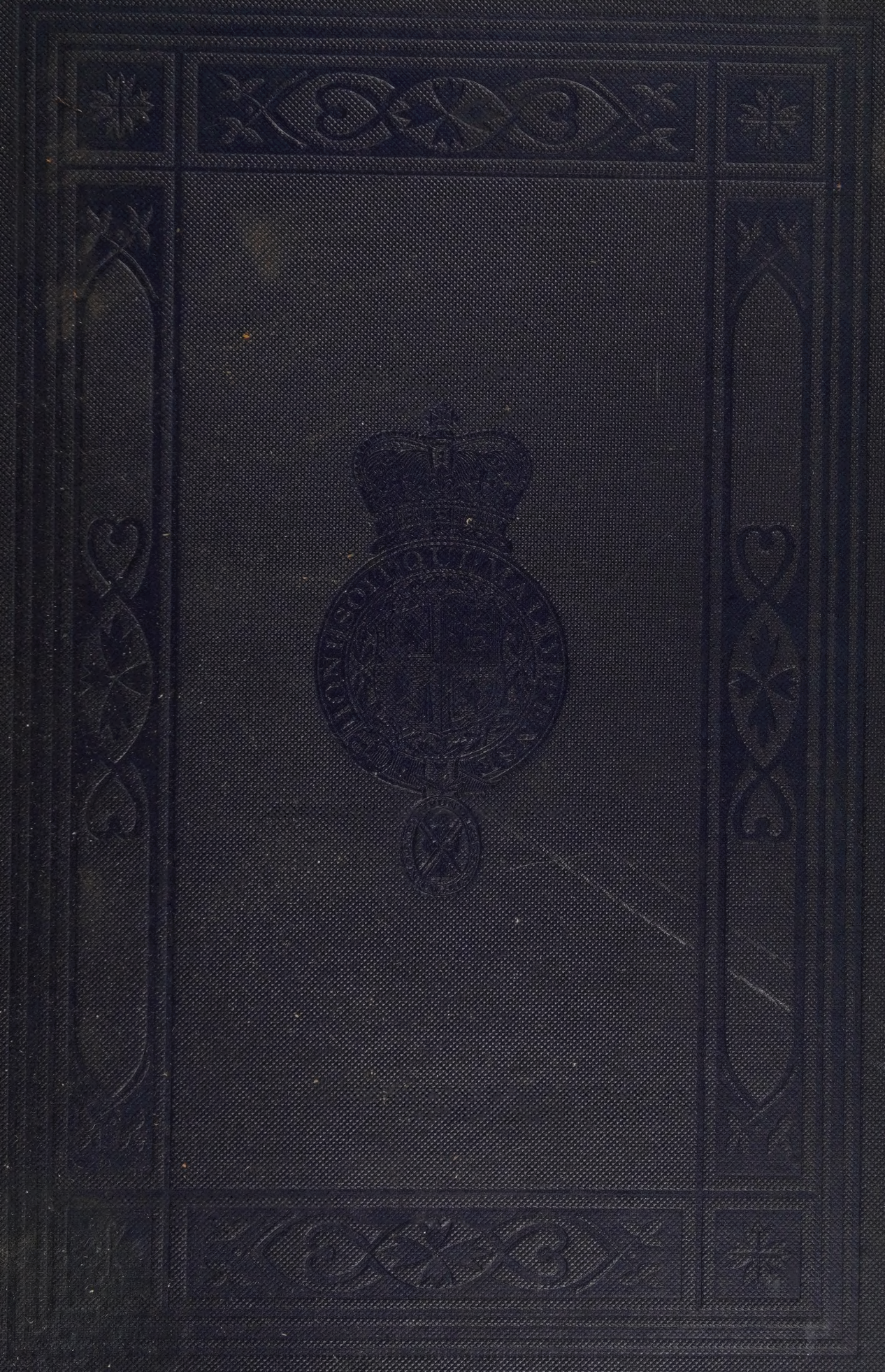

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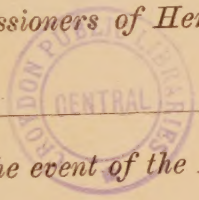

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PRIVY COUNCIL OF SCOTLAND.

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THE REGISTER

OF THE

PRIVY COUNCIL OF SCOTLAND

EDITED AND ABRIDGED BY

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INTRODUCTION.

Through this volume we are still in the Chancellor-Premiership of the Earl of Dunfermline. It had been an unusually long Premiership already, having begun in 1605; and it was to last for several years beyond the point at which our present volume closes.

The very length of this Dunfermline Administration is of historical significance. Since the accession of James to the English throne and his removal to England, the Government of Scotland had settled itself into a more steady course of routine than had been possible formerly. His Majesty, though now absent, was more absolutely master of his native realm than when he had been resident within its bounds. Watching its affairs sharply from a distance, consulting about them as he liked with one or two favourite Scots about him in his English Court, or even occasionally with one or other of his English ministers and ecclesiastics, he always decided ultimately for himself, couched his decisions in imperious mandates to be despatched northwards, and took a pride in letting it be known that, however he might be impeded or thwarted in his English kingdom, he had no such difficulty with Scotland. His resident representatives in Scotland, on the other hand, consisting chiefly of the Scottish Privy Council and Ministry in Edinburgh, had learnt to acquiesce in this view of their own functions and of their relations to his Majesty. Carrying on the ordinary administration, but always reporting to his Majesty their proceedings even in ordinary matters, they were simply the agents of his will in all matters of higher importance,

receiving his mandates on these submissively, and executing them without demur or remonstrance, unless it might be in some rare case when they thought they might venture on a letter pointing out objections to a proposed course and requesting delay or reconsideration. If in such a case his Majesty kept to his first resolution, no more was to be said. That fact was final; and the Council craved pardon and obeyed.

Such having been the system of rule for Scotland since 1603, and the Earl of Dunfermline having in 1605 superseded the Earl of Montrose in the Chancellorship, and having from the first proved his peculiar fitness, both by character and by abilities, for the duties of the post under the new conditions, little wonder that his tenure of the official pre-eminency had been of so long duration. Once or twice, indeed, he had incurred the King's displeasure and been in danger of removal; and through several years of the total twelve of his Chancellorship hitherto he had been obliged to recognise as his coequal in the actual supremacy the great Earl of Dunbar, then coming and going between England and Scotland and charged at last with the office of the Scottish High Treasurership. But since the death of that great Earl in January 1611 there had been no such approach to rivalry with Dunfermline in the Premiership. The High Treasurership of Scotland, it is true, after having been left vacant till December 1613, had been then filled up by the appointment of the King's favourite, Robert Ker, Earl of Somerset, to the great office; but the appointment had been nominal only, Somerset never visiting Scotland, but remaining in England. Even his nominal tenure of the dignity had been but for two years; for in November 1615 there had begun the investigation of the horrible business of the Overbury murder, implicating Somerset and his Countess, and secluding them thenceforward from all society, and all dignity, whether English or Scottish. After the trial and condemnation of the criminal pair in May 1616 the Scottish High Treasurership had been again in abeyance till December in that year, when it was conferred on the King's friend from boyhood, his fellow-pupil under George Buchanan long ago, John Erskine, Earl of Mar. Accordingly, when our present volume

opens, it is the Earl of Mar, resident of late mainly in England, that is seen in the High Treasurership side by side with the Earl of Dunfermline in the High Chancellorship. It was a division of dignity, however, rather than of power. The Earl of Mar was a great noblemen certainly, but still only the second official in the kingdom, and incapable of any such obvious coequality with Dunfermline in the management of Scottish affairs as had been vested in the High Treasurership when that office was held by the energetic Dunbar.

Although the system of Government in Scotland had now assumed the form of absolute initiative in all important matters by the absent King and mere executive for him by the resident Council and Ministry, it is not to be supposed that Scottish history had become stagnant or insipid. On the contrary, that portion of the Chancellor-Premiership of Dunfermline which had already passed when our present volume opens had been a period of very special interest in the Annals of Scotland. Not only had there been through that period social incidents and events as picturesque, Scottish characters and exhibitions of Scottish human nature as startling, as in any preceding period; but the period had been memorable for certain great and almost revolutionary changes in the Scottish body-politic. The complete subversion of the Presbyterian constitution of the Scottish Kirk and the compulsory establishment instead of an Episcopacy modelled after the Anglican; the complete reduction of the Borders for the first time under definite rule, so that they were to be thenceforth, in fact as well as in name, the orderly and peaceful "Middle Shires of Great Britain"; the commencement at least of a similar reduction and pacification of the Highlands and Islands, first by the extension of the royal authority over the Highland and Island Chiefs by means of legal bonds and penalties, and then by the armed suppression of any such general attempt at Celtic rebellion as that of Sir James Macdonald recently in the west; the opening up of Ireland to easy colonisation from Scotland, and the beginning of a commerce with Ireland and a Scottish Plantation of Ulster; the introduction into all the Scottish shires of the English system of Justices of Peace and Parish

Constables, in lieu of the older and less effective native machinery for county administration: these had been among the more conspicuous achievements before 1617 of the Chancellor-Premiership of Dunfermline.

What concerns us now is that in the two years and a half of the continued Dunfermline Premiership which lie before us in the present volume there is no diminution of either the energy of the royal initiative from England or the zeal and industry of the compliant Edinburgh executive, and consequently no falling off in the historical interest of the events and movements of which Scotland was then the theatre. In some respects, indeed, the two years and a half from the beginning of 1617 to the middle of 1619 have left traditions amongst the most vital in Scottish history. This will appear if we proceed to a systematised digest of the contents of our volume. That is the proper business of this Introduction; and it will be best managed by taking the following subjects successively, in the following order:—I. The King's Visit to Scotland; II. Church and Religion; III. The Borders; IV. The Highlands and Islands; V. Memorabilia in the General Administration; VI. Foreign Relations; VII. Personal Memorabilia.

I. THE KING'S VISIT TO SCOTLAND.

Since February 1616, when it had been definitely intimated that the long-deferred visit of his Majesty would be in the summer of the following year, there had been, as we saw in last volume, an extraordinary stir of preparations throughout Scotland for that event. The preparations had been of various sorts. There had been orders for the strict preservation of game in this district and in that, and especially round the royal palaces, that his Majesty and his retinue might have plenty of hunting and shooting when they came; there had been orders for the repair of the roads along his Majesty's expected route from the Borders to Edinburgh, and afterwards as he might zigzag from place to place within Scotland; there had been orders and votes

for repairs and redecoration of the several palaces that were to be honoured by his Majesty's residence for however brief a term; and, above all, Edinburgh had been thrown into commotion by the duty imposed on her in particular of being ready in every way for the proper metropolitan reception of his Majesty and of the English strangers that would be in his company. Masons, plumbers, and carpenters had been at work on structural alterations in Edinburgh Castle; Holyrood House had been overhauled and tidied up; there had been inquiries there after missing furnishings and pieces of tapestry, with despatch of four of the royal beds to England to be refitted by competent English handicraft; and an English carver, named Nicolas Stone, had been brought all the way from London for the execution of certain elaborate new designs for the woodwork and other internal adornments of Holyrood Chapel. Moreover, there had been repeated orders for the thorough cleansing of the town, and for the forcible ejection both from the town and its suburbs of all vagabonds, sturdy beggars, crippled or diseased beggars, and other unsightly objects. Perhaps, however, it was not till the end of December 1616 that the Edinburgh community were made fully aware of the dimensions of the strain upon their resources likely to be caused by the King's approaching visit. His Majesty's retinue, they had then been told, would probably consist of no fewer than 5000 persons; and, accordingly, all Edinburgh and the Canongate, with their purlieus, were to be carefully surveyed, that there might be proper and duly registered dwelling-accommodation for an influx of about that number of strangers, with suitable stabling also for about 5000 horses. The consternation over this prospect may be imagined. The present Edinburgh, it is true, manages easily enough to find house-room every winter session for about 3500 students attending the University, most of them lodgers for the nonce only; but the Edinburgh of 1617 was a far smaller and less stretchable affair, nor do the stranger students attending the University of the present Edinburgh come to the town on steeds.

The preparations that had thus been already in progress

through nearly a twelvemonth before the opening of our present volume were continued with ever-increasing rapidity through the early months of 1617. The first 126 pages of the present volume are studded with new entries on the subject. Let us look at these month by month :—

Through January 1617:—On the 9th of January, the bailies of Dunbar and Haddington reported to the Council anent the number of lodgings and stables that could be provided in those towns (p. 4). On the 10th there is a Council warrant for the advance of £4000 to one tradesman, £1000 to two others conjointly, and 1000 merks to a fourth, to enable them to fulfil their contracts respectively for the supply of wheat-bread, ale, and beer, for his Majesty's household when he should be in Scotland (p. 5). On the 14th there is record of arrangements for the payment for various quantities of wine delivered into the royal cellars by eighteen different merchant-burgesses of Edinburgh and one merchant in Burntisland (pp. 5–6). On the same day there was warrant for the delivery to Sir Henry Wardlaw and James Baillie, receivers of his Majesty's rents, and then supervising the new building works on hand, of 3000 merks for payment of the current wages of the men employed on those works. Still on the same day, there was proclamation against killing bucks astray from the park of Falkland Palace or otherwise diminishing his Majesty's chances of sport in that neighbourhood, together with an order for money-compensation to the tenants of Holyrood Park for the temporary appropriation of the Park for the purpose of fattening on it wedders and other "bestial" for the royal household (pp. 6–8). On the 16th there are notes as to the lodging and stabling accommodation provided in Edinburgh and Musselburgh (p. 9). On the 23rd we hear of a mission of James Bowie, his Majesty's cellarer, to France, with £1200 in his pocket, for the purchase, it would seem, of superior wines for his Majesty's table, as also of a similar mission of the above-named James Baillie to England and France, with £23,000 odd, to be expended in "banquetting stuff and otheris "necessaris"; and on the same day there is a small money-compensation to the Earl of Linlithgow, Keeper of Linlithgow Palace and Park, for the use of that park for the same purpose of fattening the King's mutton for which Holyrood Park had been appropriated (pp. 15–16).

Through February 1617:—The preparations now became thicker. On the 4th there was a charge to the magistrates of Dundee, St Andrews, Dysart, and Pittenweem to send or bring over within a week twenty-six named craftsmen of different sorts from those parts, to be employed in expediting the works at Holyrood Palace, then in arrears (pp. 25–26); and on the same day the Council, on renewing the usual annual proclamation for the observance of Lent, took the opportunity of reminding the lieges of the legal obligation also of three "fish-days" in every ordinary

week, with intimation that this year, in order that there might be a sufficiently ample reserve of butcher-meat for the needs of his Majesty and Court, the Acts prohibiting the use of butcher-meat on ordinary fish-days, as well as through Lent, would be very stringently enforced (pp. 26–27). On the 10th there was a requisition of nine more craftsmen, some from Glasgow and others from Linlithgow, for the works at Edinburgh Castle and Holyroodhouse (p. 31); and on the 11th there was a charge to certain skippers in Kirkcaldy to appear and answer for having refused to serve as pilots on board his Majesty's ship, *The Charles*, which Captain David Murray was then about to take to London, for the conveyance thence to Scotland of a quantity of his Majesty's stores (p. 31). On the 13th, in consequence of a report from the magistrates of the Canongate that all the lodgings and stables in that burgh "ar "alreddy tane be noblemen, baronis, and gentlemen of this countrey, sua "that thair is not ane free house in the Cannogait quhair ony of his "Majesties tryne may be ludgeit," there was peremptory order for all the said occupants to clear out and provide themselves with lodgings and stables elsewhere (pp. 32–33); and on the same day there was renewed proclamation against the conflux to Edinburgh, or round his Majesty's Court anywhere during his visit, of all "strong, sturdy, and idill beggaris, counterfute bairdis, and foollis," with intimation that all "vagabond thevis and lymmaris" that should disgrace his Majesty by coming about him with their "shameles exclamationis" and importunities, and all licensed beggars that should be found astray from their own parishes, would for the first fault be "wairdit, putt in the irnis, scourged, and thair eares nailled to the trone or some other tree," and for the next fault hangit to the deade" (pp. 33–34). On the 17th there was proclamation for a Parliament to meet in Edinburgh on the 27th of May next to receive his Majesty becomingly and assist him in those "royall and princelie resolutionis" which had prompted him, after so long a while, to revisit his native kingdom (pp. 35–36). On the 18th the Council, understanding that a certain green velvet tapestry, "embroderit with holaye leaves in gold and with the airmes of Longaveill," is so worn and decayed as to have become "unfitt for his Majesteis service and use," authorise the delivery by the master of the wardrobe of some spare pieces of green velvet to Nicolas Elsmere to be employed in mending the said tapestry (p. 37). On the 20th there was charge to two masons of Culross, under pain of rebellion, to lend their services immediately at the works going on either at Holyroodhouse or at Dunfermline (pp. 39–40); and on the same day there was order for the repair of "the porte at the fute of the Cannogait callit the Watter Yett and the auld decayit chappell nixt adjacent thairunto," these being so ruinous "that they ar unworthie to be seene so nar his Majesteis palice and at his Majesteis first entree to the same" (pp. 40–41). On the 25th there was warrant for the delivery to Sir Henry Wardlaw of an additional £5000 to be expended on the works going on in Edinburgh, and at Holyrood, Falkland,

and Stirling (p. 45), and also warrant for £1000 sterling more to James Baillie "for bying of necessaris in France" (p. 47). On the 27th, the works at Holyroodhouse growing more and more urgent, four masons of Preston were summoned to add themselves to the working-gang there within twenty-four hours (p. 48); and on the same day Lord Elphinstone, appearing before the Council, in answer to a request for the use of his house in Holyrood for the accommodation of some of his Majesty's train during his Majesty's stay in Holyrood Palace, handsomely put that house or any other of his houses at his Majesty's disposal, but intimated that, as he purposed to attend his Majesty in Holyrood, he would prefer having part of the house reserved for himself and receiving as his guests those that should be quartered on him (pp. 52–53). Two prior entries of the same day (pp. 48–51) are of special importance. The Council, having been for some time aware that, "amongis the mony preparationis whilk ar now in handis and mon be tymouslie foirseene and in reddynes agane the tyme of his Majesteis comeing heir, that of his Majesteis cariage is not the least," had been addressing themselves to that business,—*i.e.* to the consideration of the means of conveyance from place to place of the enormous mass of luggage which his Majesty and the English courtiers would bring with them. The notion had been that there should be a levy of horses and carts, at prescribed times and at fixed rates of hire, in every shire through which his Majesty should pass—so many horses and carts for every parish of the shire, according to the capabilities of the parish, with appointed constables in every parish to see the required number of horses and carts duly forthcoming, and two general constables in every shire to superintend the whole business for that shire and be responsible for perfect punctuality. There had been missives, accordingly, to the Conveners of the Justices of Peace in the various shires interested, requiring them to call the Justices together for arrangement of the details and for report to the Council. The Justices of Peace in the Sheriffdoms of Stirling and Callander, it appears, though summoned by their Convener the Laird of Polmaise, had refused to meet for the business; and, though Sir James Dundas of Arniston, as Convener of the Justices for Edinburghshire, Sir John Home of North Berwick, as Convener for the Constabulary of Haddington, Dundas of Dundas, as Convener for Linlithgowshire, Sir James Wemyss of Bogie, as Convener for the shires of Fife and Kinross, Auchinleck of Balmanno, as Convener for Perthshire, with an authorised representative of Scrimgeour of Dudhope, as Convener for Forfarshire, did appear this day before the Council to report what had been done in the business within their several jurisdictions, the reports indicated no alacrity, but were procrastinating and disappointing. The Council were indignant. They ordered letters to be sent to the refractory Justices of Stirlingshire individually summoning them to appear and answer in the matter on the 11th of March "under the pane of death"; and they remitted the business afresh to the Conveners of the less culpable shires, with orders for new

appearance and report on certain fixed days before the end of March.

Through March 1617 :—The approaching visit of his Majesty was still the all-absorbing topic. On the 4th of March there was proclamation for the meeting of a Convention of Estates next day (p. 55); and, when the Convention did meet on the 5th, under the presidency of Chancellor Dunfermline,—a semi-Parliamentary assemblage of eleven Bishops, seventeen Earls and Lords, four State-officers, twenty-one Lairds as Commissioners for the Small Barons, and nineteen Commissioners from Burghs,—it was for the sole purpose of voting a national taxation of £200,000 to the King in aid of his personal expenses on the great occasion (p. 56). Three entries of the 11th of the same month all relate to Captain David Murray and his Majesty's ship or pinnace called *The Charles*. The first warrants payment to Captain David of 6000 merks for the equipment of his ship for her voyage to London; the second warrants payment to him of £10,000 to be delivered in London to James Baillie "for the outred of suche provisionis and furnissings as the said James hes alreddy bocht or shall buy for his Majesties use"; and the third instructs Captain David to set sail with his pinnace as soon as possible for London, there to receive the "tapestrie, silver plaitt, housholde stuff, moveablis, and otheris provisionis and furnissingis" which he is to bring home (pp. 60–61). On the 13th five masons of St Andrews and one wheelwright, who had neglected a summons to assist at the works at Holyroodhouse, were taken to task for that default (p. 63); and on the 15th there was warrant for another £5000 to Sir Henry Wardlaw for the pay of the workmen at Holyroodhouse, Stirling, and Falkland (p. 64). A minute of the 18th of March has a particular interest. It warranted the payment to Matthew Goodrick, a London tradesman who had been employed for the painting and gilding of Holyrood Chapel, of £200 sterling, as by contract with him for that work, now nearly finished, and also the payment to Nicolas Stone, the London carpenter and carver, of £450 sterling for his wood-work in the same chapel, consisting in "his bigging and setting up of ane parpane wall, with certane daskis and utheris ornamentis" (p. 65). Nothing in the preparations for his Majesty's visit had excited the Edinburgh people so much, or had jarred so much on Scottish feeling, as this ornamentation of Holyrood Chapel, which had been going on now for some months; and the present Council minute neither describes sufficiently the nature and amount of the ornamentation that had been actually executed by the two London tradesmen, nor intimates how much of the additional ornamentation originally intended by the King had been suppressed in consequence of representations to him by the Scottish clergy. For information on that subject see the footnote at pp. 65–67. There could be no popular objection to the purport of the accompanying minute of the same day which authorised the despatch of a trustworthy person to convey to his Majesty with all haste, as his Majesty had

required, his old Scottish robe-royal, "to the effect his Majestie may "provyde him self of ane new robe efter the fassioun of the auld, yf so be "his Majestie shall find the auld one to be so worne as sall not be fitt to "be caryed be his Majestie on ony grite solempnitie" (pp. 66–67). It cannot have been in London, however, that the messenger delivered to his Majesty the precious old robe; for his Majesty had left Whitehall on the 15th of March, or three days before this minute of the Council in Edinburgh, and was already in the first stage of that leisurely state-progress northwards through the English shires which was to bring him at last to the Scottish Border. The effect of the news that his Majesty was thus now actually on the move northwards is seen in a series of the Council minutes through the rest of March.—On the 20th there was proclamation that, in order to sustain Scotland's credit with strangers for abundance of wild fowl, partridges, and venison, and to reserve a sufficiency of these for the consumption of the English noblemen, gentlemen, and others who were to come into the country with his Majesty, all buying, selling, killing, or eating of wild fowl, partridges, or venison must meanwhile cease for definite periods among the Scottish lieges themselves. As his Majesty was but too well aware, from his previous experience, that there were numbers of his Scottish subjects whom it was difficult to restrain in such matters, preferring as they did "thair awne contentment and the delicate feeding of thair bellies" to obedience to his Majesty's ordinance,—some even whose "greedy appetite is so insatiable that they will not spare wyld foullis "when thay ar a-sitting on the eggis, nather will thay spare the young "ones when thay are newlie delyverit frome the schell,"—there was to be a penalty this time of £100 for every detected violation of the order.——Seven entries that follow together on the 25th of March attest in different ways the sense of his Majesty's gradual approach. The Marquis of Huntly having promised to send a certain painter, named John Anderson, whom he had in his employment in Strathbogie, to help in the works going on at Falkland, but having neglected his promise, is warned that the said John must be forthcoming at Falkland within six days (p. 75); there is order for the payment of £800 for provisioning Lord Carnegie's house at Kinnaird, where his Majesty is to make some stay during his visit (p. 75); reports are made by the Conveners of the Justices of Peace for the shires of Haddington, Berwick, Edinburgh, and Linlithgow as to the progress of the organisation in those shires for the service of horses and carts for the carriage of his Majesty's luggage; the insufficiency of the report for Berwickshire occasions a new remit to the Justices of Peace of that shire, with an order for co-operation with them in the business by the Bailie of Lauderdale and the Sheriff of Roxburgh (pp. 75–77 and pp. 78–79); and, in consideration of an offer from Sir James Murray of Cockpool to build a bridge and repair a very bad piece of road at the water of Lochar in Dumfriesshire, so that there may be good passage for coaches and carts there against the time

when his Majesty shall be in those parts, there is a grant of a toll for twenty years on the traffic at the new bridge to Sir James and his successors (pp. 77–78). Sir James's bond for the performance of his undertaking was given in and registered on the 27th (p. 79); on which day there was also warrant for another £10,000 to Sir Henry Wardlaw towards the works at Holyrood, Stirling, and Falkland (p. 79), with note of a report respecting the state of the carriage arrangements in Forfarshire, Perthshire, and Fifeshire (p. 82). On the 29th there is a novelty in the shape of a charge to certain burghs and towns to have forthcoming at fixed dates, and at reasonable prices, the numbers of well-fed oxen and other cattle they have respectively undertaken to provide for the supply of the tables of his Majesty and his retinue,—Perth, 120 "fed nolt," Stirling, 40 "fed nolt" and 20 "veillis," Glasgow, 300 "fed "nolt," St Andrews, 60 "fed nolt," and so in proportion for about twenty other burghs (p. 82).

Through April 1617:—A good deal of preparation was still left for the month of April. On the 3rd there was further order for the due provision of horses and carts in Stirlingshire (p. 85 and p. 87), with an order to Sir Robert Melville to have his house in Burntisland ready for his Majesty's reception when he should be in Fifeshire (p. 87). On the 11th, besides warrant for the payment to his Majesty's Master of Works, James Murray, of £1200 for his extraordinary expenses lately and still to come in connection with the royal visit (p. 87), there was arrangement for the future payment of some Edinburgh merchants for 21 additional butts of wine that had been lodged in his Majesty's cellars (pp. 87–88). On the 16th we have a document showing the completed organisation at last of the arrangements for the carriage of the royal luggage through Berwickshire, — a document that ought to be of considerable interest still to the inhabitants of that shire and of the adjacent districts of Lauderdale and East Teviotdale, inasmuch as it contains a roll of all the parishes concerned, with the exact number of horses requisitioned from each, the names of the appointed constable or constables in nearly all the parishes, and the names of the two general constables who were to be responsible for the due appearance of all the horses at Berwick, "sufficientlie providit with creillis and towis and otheris instrumentis meete for cariage" (pp. 88–90). On the same day, besides note of another instalment of £5000 to Sir Henry Wardlaw for the works in Edinburgh, Stirling, and Falkland (pp. 90–91), we find a peremptory order to certain Berwickshire parishes and lairds for the immediate repair of defective portions of the road by which his Majesty would travel on his first entry into Scotland (pp. 92–93), and three other significant minutes. One is an order for rectifying the omission of the names of the constables in a portion of the forementioned view of the carriage-arrangements for Berwickshire (pp. 93–94); the second gives the names of the constables that had been appointed for the levy of horses and carts in the parishes of Haddingtonshire, and conveys a

threatening message to them for their refusal of the duty or dilatoriness in it (pp. 94–95); and the third records an order to the magistrates of the Canongate to repair the south windows of Canongate kirk (p. 104). This last is suggestive of the expectation that the King would soon be in Edinburgh to observe deformities and deficiencies; and in fact on the 23rd of April he and his retinue were already as near as Newcastle (p. 108, footnote). Accordingly, five of the six remaining Council minutes of April appertaining to the business of the Visit have all reference chiefly to Edinburgh. One, of the 23rd, is proclamation in the King's own name against forestalling the Edinburgh markets for "all sort of wylde and tame foullis, and of geis, grys, kiddis, butter, eggis, and of all sorte of fisheis," and for reserving the right of first purchase of the same at proper prices by his Majesty's "auld sevitour James Martine," and his assistants Mathew Lockie and Chairles Coishe, who are to cater for the royal household during his Majesty's abode in Scotland (pp. 107–108). There follow, on the 30th, a proclamation for the peaceable behaviour of all the lieges, and their honest and respectful treatment of all English strangers in particular, during his Majesty's stay (pp. 108–109), a proclamation for delivery to the Lord Clerk of Register twenty days before the meeting of Parliament of all supplications, &c., intended for the Parliament (pp. 109–110), a special proclamation for strictly preserving for his Majesty's sport all muirfowl and other winged game within ten miles of Edinburgh or any other place in Scotland designated for his residence (p. 110), and an order that every one of the "herauldis pursevantis" should have 200 merks for the purchase of a new official costume for the approaching public ceremonies (p. 112). In anticipation, however, of the extension of his Majesty's tour beyond Edinburgh, and into parts farther north, there were missives on the same day to the authorities of Perth, Dundee, Montrose, Forfar, and Brechin, "anent provisions of viveris for his Majesteis interteynment and his tryne" in these towns (p. 112).

Through the first fortnight of May 1617.—The preparations now begin to assume something like finality. On the 3rd of May, the King being then still at Newcastle, there were seven consecutive minutes of Council in prospect of his movement thence for entry into Scotland. One, announcing that his Majesty's first stay in Edinburgh will be but short, inasmuch as he intends to be at Falkland in Fifeshire as soon as possible, and to proceed thence towards Dundee on the 21st current, returning from Dundee to Falkand again on the 29th, orders proclamation charging all boatmen and owners of boats at the south and north ferries of the Tay "that thay and everyone of thame attend his Majesteis service in the transporte of his Majestie, his tryne, and cariage" at the said "ferreyis of Dundee" on the said dates and in the whole interval between them, not removing their boats all that while "to the fisheing nor no uther voyage," under severe penalties (pp. 112–113). Another is of more general reference. Not till now, it seems, had there been any

provision of recompense to the constables appointed in the different parishes in each shire and to the general constables in each for their trouble in levying and collecting the horses and carts requisitioned in each for the service of his Majesty's luggage from place to place in the course of his progress; but now, in consideration that "this service wilbe fasheous and troublesome to the constables and draw thame fra attendance upoun thair awne affairis," it is decided that twopence for every horse employed in the service in any shire shall go into a common fund for distribution among the constables (pp. 113). The third minute is of a warrant for £10,000 more to Sir Henry Wardlaw for furtherance of the works at Holyrood and Stirling (page 113); and the fourth, to prevent mileage disputes between the master-general of his Majesty's carriage and the multitudinous individual owners of the horses and carts that have been pressed into the service of the carriage, sets forth a table of the authentic or measured distances from point to point in his Majesty's projected itinerary from Berwick-on-Tweed to Edinburgh, and thence through Fifeshire to Dundee and beyond (pp. 113). "Frome "Beruick to Dunglas fyfteene myllis, from Dunglas to Seytoune auchteene "myllis, from Seytoun to Edinburgh sevin myllis, frome Edinburgh to "Leith ane myle, from Bruntyland to Falkland tuelf myllis": such is the authorised mileage table for the first five stages of the King's expected route within Scotland. Now, the transport of the royal luggage for the first stage of all, viz. from Berwick to Dunglas, having been perfectly provided for already since the 16th of April by the completed organisation of the constables and the horse and cart service for the shire of Berwick as reported on the 16th of April last, it was time that the arrangements for two next stages should be also definitely settled. Accordingly, at pp. 114–115, we have the text of the final order anent the carriage from Dunglas to Seton, and at pp. 115–117 the text of the similar order anent the carriage from Seton to Edinburgh,—documents of historical and genealogical interest still, inasmuch as one of them contains a list of the names of all the constables charged with the service in the shire or constabulary of Haddington, with specification of the amount of horse and cart service of which each parish of the shire was individually capable, and the other preserves for us similar statistics, parochial and personal, for the larger and more important shire of Edinburgh. There is then a leap forward in the itinerary; for, instead of such an account of the complete carriage arrangements for Fifeshire as might have been expected to follow, we find, at pp. 117–120, an order of great length and in great detail for the carriage arrangements at that terminus of his Majesty's itinerary, so far as it had been hitherto published, at which he was to range beyond Dundee to Kinnaird in Perthshire and other more distant places. This document also, from its mention by name of so many persons, parishes, and localities in that part of Scotland, ought to be of some incidental value now to Scottish antiquarians and genealogists. Hardly had these seven orders of the

3rd of May been passed by the Privy Council in Edinburgh when it was known that his Majesty had left Newcastle and come as near as Alnwick. He was at Alnwick on the 7th of May; on which day, besides an order from the Privy Council at Edinburgh to the magistrates of all burghs in Scotland through which his Majesty might pass for energetic concurrence with his Majesty's principal harbinger, Mr Ryder, in securing sufficient lodging and stabling accommodation in these burghs beforehand for his retinue (pp. 120–121), and another order for £10,000 more to Sir Henry Wardlaw for the works at Holyrood, Falkland, and Stirling (p. 123), there was a royal proclamation from Alnwick itself regulating the procedure to be observed in all private suits to be addressed to his Majesty while he should be in Scotland (pp. 121–123). Next day, May 8, there was a missive from the King at Alnwick to the Council in Edinburgh on the subject of this proclamation; and on the same day the Council issued an order to Lord Scone and a colleague for the collection at Kirkcaldy on the 15th of eighty carts for the conveyance of an advance portion of his Majesty's wardrobe and luggage which was to be at Kirkcaldy that day for conveyance to Falkland (p. 125). On the 10th his Majesty was at Berwick-upon-Tweed; where, on the 11th, a deputation from the Privy Council met him, and a proclamation was drafted postponing the meeting of Parliament in Edinburgh from the 27th May, for which it had been originally summoned, to the 13th of June (p. 126). Two more days were spent by his Majesty at Berwick; and it was not till Tuesday the 13th of May that he crossed the Tweed and was on Scottish ground. Even that day of his actual transit out of England into Scotland is marked by four entries in the Council Register having still the look of preparations for his reception. One (p. 126) is a note of the disbursement to James Baillie of an additional £5000 for expenses in his Majesty's household. The second (pp. 127–131) fills up the gap in the organisation hitherto of the carriage arrangements along his Majesty's first route into Scotland by describing the arrangements decided on for Fifeshire. The peculiarity here is that the shire is divided for the purpose into four precincts, each including so many parishes, and every parish bound to furnish one horse for every estimated plough of land in that parish; and, as the document gives very punctually not only the names of the general constables for the four precincts and the names of all the particular constables of the parishes, but also the rated number of ploughs for every parish, it is of remarkable historical value as a social and economic survey of the old Fifeshire of the reign of King James. There follows (pp. 131–132) a similar, though less elaborate, document for Linlithgowshire, showing the carriage arrangements that were to come into operation in that shire some six or seven weeks later, when his Majesty, after his second stay in Edinburgh, should move west. Finally, there is a copy (pp. 132–133) of an inventory, taken in the Cunyiehouse in Edinburgh, in presence of the Chancellor, Secretary Binning, and the Lord Advocate, of the "silver plaitt and

veschell" which had been bought by his Majesty's direction and sent to Scotland "for serveing of his Majesteis house during his aboade heir." There were 8 basins and 8 lavers, 40 candlesticks, 20 beer bowls or cups, 10 salt-cellars, 10 dozen spoons, 8 dozen trencher-plates, 211 other dishes, and "sax silver cop feete with tua ringis of silver to tua of the covers of the said couppis." The exact weight of each of these items, in most cases both in English weight-reckoning and in Scottish, was recorded separately; and the weight of the whole amounted in Scottish reckoning to "threttie five stanes thretteene punds lxxiv unce fyve drop weght." It was ordained that the Treasurer-Depute, Sir Gideon Murray, should deliver the said articles of plate to the proper officers of the household, "to the effect his Majesties house may be servit thairwith during his aboade in this kingdome," and that he should receive back the same "after the upgeving of the house" and be accountable for their subsequent custody.

The foregoing account of the preparations for the King's visit, in their chronological order and in all their various sorts, has not been without purpose, and ought to be useful. The visit of King James to his native realm in 1617, after fourteen years of absence, is noted, it is true, in all our histories of Scotland, as a very memorable event. Generally, however, it is noted there only in a kind of flash. He comes, he moves about for a while, and he goes away again: conceive that, and you have conceived nearly all! Not so, it will have now appeared. An adequate conception of the visit must involve a conception of the effects upon Scotland of the mere preparations for it; and the details that have been given make that for the first time possible. There had been nothing less, it will have been seen, than a social perturbation of all Scotland, and especially of the south of Scotland, affecting thousands of families and individuals in their purses and in other interests for a good while, and ending in a hubbub throughout the shires of Berwick, Haddington, Edinburgh, Fife, Angus, and Linlithgow, when the populations of those shires were kept standing idle in separate masses, with constables moving about amid them, and rummaging vociferously for the carts and horses requisitioned for the conveyance of his Majesty's luggage.

All this imagined, we have to pass now to the incidents of the Visit itself. These are to be gathered partly from the text of

the Register, page after page, from p. 126 to p. 211, but partly from the footnotes inserted at successive points in that series of pages. Pains have been taken to compress into those footnotes all the relative information procurable from other sources ; and it is hoped that in those footnotes and the text taken together there will be found a more coherent account of King James's movements from place to place while he was within Scotland, and a fuller account of his behaviour and doings in the successive stages of this famous Scottish progress of his, than have been easily accessible hitherto elsewhere.

It was, as we have seen, on Tuesday the 13th of May that the King crossed the Tweed and entered Scotland. As far as one can judge from the extant evidence, he had not brought with him anything like that vast retinue of 5000 persons for which Edinburgh had been forewarned to provide accommodation. The multitude accompanying him, however, whether in coaches or on horseback, or as foot-marchers and stragglers, must have been very large, and must have made a striking show. Conspicuous among those immediately surrounding his Majesty himself were the noblemen he had brought from the English Court. Having left the management of English affairs during his absence in the hands of a sufficient number of the resident English Privy Councillors and Ministers in London,—notable among whom was Francis Bacon, then new to the woolsack as Lord Keeper in succession to Chancellor Ellesmere,—he had taken with him, besides his kinsman the Duke of Lennox, long an English courtier but still the recognised head of the Scottish nobility, five English earls and at least one English baron. There was the stately and art-loving Earl of Arundel ; there was the Earl of Southampton, remembered chiefly now as the patron to whom Shakespeare had dedicated his two early non-dramatic poems ; there were the two brothers, William Herbert, Earl of Pembroke, and Philip Herbert, Earl of Montgomery, both of whom also are famous in Shakespearian tradition ; there was, of course, young George Villiers, the King's new favourite, recently created Earl of Buckingham ; and, to represent the English baronage, there was Lord Zouch. Among a score or so of knights and others of minor rank who had

come from England in the King's train one notes chiefly Sir Thomas Lake, one of the English Secretaries of State, and the poetical Sir William Alexander, already for some time of the Scottish Privy Council, but of late resident chiefly in London and visiting Scotland only at intervals. Nor was it without design that his Majesty was attended by three of his English Bishops, and by a considerable number of English Court-Chaplains and other minor English ecclesiastics. The three bishops in attendance were Dr Lancelot Andrewes, Bishop of Ely, Dr Richard Neile, Bishop of Lincoln, and Dr James Montague, Bishop of Winchester, all strongly High Church Anglicans; and among the minor ecclesiastics to be seen in the company of these, and especially in that of Bishop Neile, was a certain small-bodied and red-faced Dr William Laud, not yet a bishop, but pretty well known already among the English clergy for the extreme rigour and definiteness of his High Church opinions and his pertinacity in propagating them in opposition to the prevalent English Puritanism. That Laud was thus in Scotland with King James as early as 1617 is a thing specially to be remembered. It was probably the first time he had come so far north; and it is probable also that the three English bishops and the six English noblemen that have been mentioned had never been in Scotland before. The likelihood is that these divines and the great English nobles kept pretty steadily around the King all the while he was in Scotland, and formed, together with the chiefs of the Scottish Nobility and Privy Council, the permanent nucleus of his retinue as he moved about; but it is not to be supposed that all the rest of the Englishmen who entered Scotland with him remained constantly about him during his stay. On the contrary, there is proof that not a few of them took the opportunity of dispersing themselves as soon as possible, so as to see something of the country for themselves and visit parts of it beyond the range of his Majesty's tour. There is evidence also of a considerable amount of coming and going between England and his Majesty in Scotland. Some who had not come into Scotland with the King followed him into Scotland afterwards and attached themselves to his Court there, while others, who

had come with him, remained but a short time, and returned to England before the royal progress was over.

Through the first stages of his Majesty's route after he had entered on Scottish ground the crowd attending him can have suffered no diminution. The road from Berwick to the Earl of Home's seat at Dunglass in Haddingtonshire, where his Majesty rested from the 13th of May to the 15th, and again the road from Dunglass to Seton House in the same shire, the mansion of the Earl of Winton, where his Majesty rested on the single night of the 15th, must have been one protracted commotion of human beings along the whole of the thirty Scottish miles through which the royal cavalcade advanced. For the ceremonial of his reception first at Dunglass and then at Seton,—the banqueting at both easily imaginable, while the Latin speeches and poems of welcome were carefully chronicled and are still extant,—see the footnotes at p. 126 and p. 133. Doubtless it was but a select few that could be admitted with his Majesty within either mansion to share in the hospitalities or to hear the speeches; the rest must have remained without, or must have been sweeping on in front of his Majesty towards Leith and Edinburgh. It was on Friday the 16th that his Majesty himself, with the select reserve, moved on through the five Scottish miles more that intervened between Seton and Leith; and it was on the afternoon of that day that, after having reached Leith, he made his formal entry into Edinburgh.

Entering by the West Port, and received there by the Provost, Magistrates, and Town Council, and by a number of the chief citizens, all in their best array, he first listened to an ecstatic speech of welcome that had been prepared and was delivered by the Town-Clerk, and then, in duly-formed procession,—himself on horseback all the while, that he might be the better seen in the lane kept between the thronging masses of the populace,—passed through the Grassmarket, and up the steep and tortuous West Bow, and so into the High Street. Here there was a stoppage at St Giles's Church to allow time for a sermon of congratulation by Archbishop Spotswood and for other ceremonies; after which the procession down the High Street was resumed, conveying

his Majesty, still through cheering crowds, in the street itself or on the forestairs and at the windows of the tall houses, through the rest of that descent to the Netherbow Port, and thence down the sloping Canongate to the terminus at Holyrood. It was at the gate of the Inner Court of Holyrood Palace, and just before his Majesty disappeared into the palace, that there was presented to him, for perusal when he should be at leisure, the splendidly bound volume of fifty-five pieces of verse, chiefly in Latin, but three of them in Greek, which the University professors and others had hammered out and put into print as the collective tribute of the scholarship of Edinburgh to the greatness of the occasion, and also, it would seem, a separately printed copy of the one English poem of any literary mark now which the occasion had evoked,—Drummond of Hawthornden's *Forth Feasting: A Panegyricke to the King.* For some account of these poems, and for additional particulars respecting the royal entry into Edinburgh, see the footnote at pp. 133–136. Note also, in the text at p. 133, the charge by the Privy Council on the 16th, only an hour or two before the King's arrival, to all persons in Edinburgh and the Canongate on whom any of his Majesty's retinue had been billetted to receive "without ony kynd of excuse," and under penalties, the gentlemen so billetted upon them, and see them properly accommodated, and their horses suitably stabled. There had been ungracious demur at the last moment, it appears, on the part of some of the householders, so that "divers personis of goode rank and qualitie" had been "disappointit bothe of ludgeings and stabillis"; but, in consequence of this new order, it is to be hoped, all the English strangers who were not of sufficient distinction to be guests of his Majesty himself in Holyrood must have found themselves housed, more or less conveniently, that night, somewhere or other,—either in the long ridge of the main Edinburgh street ascending continuously from Holyrood to the Castle, or else in the wynds and closes shot off from that main ridge, most of them with break-neck precipitancy, to the Nor' Loch on one side and the Cowgate and Grassmarket on the other. One would like to know where Dr Laud was lodged. It was probably in

the Canongate, but may possibly have been in the then aristocratic Cowgate.

The Parliament which had been summoned in February last to meet in Edinburgh on the 27th of May had been postponed by subsequent proclamation, as we have seen, to the 13th of June. It was already known, therefore, that his Majesty's present stay in Edinburgh was to be but brief. In fact, he remained hardly three days. It was on the evening of Friday the 16th that he entered Holyrood Palace; he spent the next day, Saturday the 17th, and also Sunday the 18th, in the Palace or in rides close to it; but on Monday the 19th he was off again. Two incidents of the interval, however, were thought remarkable. On the evening of the Saturday there was an elaborate service in Holyrood Chapel after the strict English form by surpliced clergymen and with instrumental music (p. 137, footnote); and on Sunday the King was personally present at a meeting of the Scottish Privy Council in Holyrood, held expressly, it appears, for the purpose of admitting his favourite, Buckingham, to the honour of membership of that body (pp. 136–137). The young Englishman actually sat that day in the Council, along with his Majesty, the Duke of Lennox, Chancellor Dunfermline, Treasurer Mar, the Marquis of Hamilton, the Earls of Glencairn and Roxburgh, Viscount Fenton, Lord Binning, and six others of the regular Scottish members.

What took his Majesty away from Edinburgh so soon was an excursion he had projected into Fifeshire and the parts beyond for the pleasures of hunting and hawking. Accordingly, crossing the Firth of Forth from Leith to Burntisland on the 19th, he rested that night at Falkland Palace, pushed on thence next day to the neighbourhood of Dundee, deviated thence on the 22nd to Lord Carnegie's seat of Kinnaird in Perthshire (where special preparations had been made for him), enjoyed himself much at Kinnaird for some days, and again in and about Dundee from the 30th onwards, but returned thence by Falkland again, to recross the Forth and be back in Holyroodhouse by the 3rd of June. There were addresses to him and poems to him at Kinnaird and Dundee (footnotes, p. 140 and p. 143); but, for the rest, he

seems to have flashed vaguely through those country parts of Perthshire and Forfarshire, intent on nothing but sport, though keeping them in a bustle with his extensive luggage requirements. While he was absent, there was intimation by the Privy Council that, as his Majesty might not have had enough of his favourite sport in his excursion, but might, even after his return to Holyrood, wish, "God willing, for his recreatioun at some convenient tymes, to hawke on the mures and otheris pairtis neir his said pallice," there must be strict observation of the rule already forbidding the killing meanwhile of any kind of wild fowl within ten miles of Edinburgh (p. 140); and on the 3rd there was another order of Council for accelerating the painting of certain chambers in Edinburgh Castle so that they might be fit for his Majesty's inspection when he should visit the Castle (p. 143).

This time the King's stay in Edinburgh or its immediate vicinity was to be for nearly a month; and it was a month of important incidents. For about a week, indeed, or till the 11th of June, we hear of nothing more important than such particulars as will be found in the text or the footnotes at pp. 147–148. The Edinburgh folks, we learn from one of the footnotes, had fresh evidence that week of the King's rooted dislike of the kirk-ritual of his native land and his determination to import among the Scots as much as possible of the Anglican Church ritual instead. Not only were his Scottish Councillors, the Bishops among them as well as the laymen, required imperatively to attend service with him in the English form in Holyroodhouse Chapel, and to partake of the Communion kneeling; but, one of his Majesty's guard having died, the Dean of St Paul's used language in the funeral sermon implying something like belief in Purgatory, and it was the English funeral service that was used at the grave, Dr Laud appearing there ostentatiously in a surplice. Save for such causes of discomposing gossip, however, the week seems to have been filled up innocently enough by rides of the King and his train, with hawks or hounds, hither and thither round about Edinburgh. To his Majesty himself, who had hawked and hunted so often long ago over the same territory, all must have been familiar, and the pleasure must have been chiefly in

comparing present impressions with old recollections; but for most of the Englishmen in his company there must have been the interest of novelty. Accustomed by this time, as we may suppose, to the densely-packed interior of Edinburgh, with its heights and hollows, and quaint wynds and closes, and also to the views from it of such conspicuous objects round about, near or more distant, as the Calton Hill, Arthur Seat and Salisbury Crags, the Braids and the Pentlands, the westward and eastward stretch of the Firth of Forth and the line of the Fifeshire hills beyond, they could now, in rides with the King, or in rambles by themselves, acquire some acquaintance with rural Scottish landscape, and with the aspects of rural Scottish life, as seen about the farm-houses and villages of the fertile Lothians. At all events, there was opportunity of this kind for such as accompanied the King from Edinburgh to Dalkeith on Wednesday the 11th of June and remained with him at Dalkeith till Saturday the 14th.

This excursion to Dalkeith, the seat of the Earl of Morton, seems to have been planned suddenly, for the necessary orders for it were not made public till the 10th. How formidable they were will be seen in one of the entries in the already cited pages 147-148. That his Majesty's luggage might be "in dew tyme lifted and transportit to and fra Dalkeythe," there was to be a forced contribution of 40 carts and 120 horses from Musselburgh and its neighbourhood, 10 carts and 30 horses from Dalkeith itself, 8 carts and 24 horses from the parish of Ormiston, 4 carts and 12 horses from the parish of Newbattle, 8 carts and 24 horses from the barony of Broughton, 4 carts and 12 horses from Inverleith, 1 cart and 3 horses from Ravelston, 3 carts and 9 horses from Duddingston parish, and 2 carts and 6 horses from the parish of Liberton,—in all 80 carts and 240 horses. Every cart and horse was to be punctually at Holyroodhouse at four o'clock in the morning of the 11th for the conveyance of the luggage to Dalkeith, and punctually at Dalkeith at four o'clock in the morning of the 14th for the conveyance of the luggage back to Holyroodhouse, under a penalty of £6 for every horse missing and of imprisonment of the constable answerable for the defect. The visit, as the order informs us, was for his Majesty's

"recreatioun and pastyme,"—*i.e.* for more hunting, hawking, and banqueting; and this, together with the mention in the footnote at p. 150 of the presentation to him of eight pieces of Latin verse specially mustered for the occasion, must suffice for our conception of the three or four days spent at Dalkeith.

On the 12th of June, while his Majesty was at Dalkeith, the Privy Council in Edinburgh had passed a warrant for £10,000 more to James Baillie for the household expenses at Holyrood (p. 150), and also two orders in prospect of his Majesty's main occupation during the rest of his stay in Edinburgh and of his movements afterwards. The Parliament, which had been originally summoned for the 27th of May, but had been adjourned to the 13th of June, had been again adjourned to Tuesday the 17th of June; but it was to meet without fail on that day, the fourth after his Majesty's return from Dalkeith. Hence the proclamation at pp. 150–151 enjoining due observance of the established order of ranking and precedence among the noblemen who were to attend the Parliament, and due attention to the regulated costume, &c., among the lairds and burgesses who were to attend. But the next order (pp. 151–153) looks beyond the Parliament, sketches his Majesty's intended route after he shall have done with the Parliament and shall have left Edinburgh, and prescribes the conveyance arrangements that are then to come into force. It had been already known that, when he left Edinburgh in the end of June, it would be to move west to Stirling; and it was more than a month ago since the organisation of the carriage-arrangements had been completed for that portion of the route from Edinburgh to Stirling which passed through Linlithgowshire (*ante*, p. xviii). Now, however, in this minute of the 14th of June, we learn definitely that his Majesty is to leave Edinburgh for Stirling on the 30th of June, is to go from Stirling on the 3rd of July to revisit Falkland and Fifeshire, but is to return thence to Stirling, and to remove from Stirling to Glasgow on the 22nd of July. For these successive removes the resources of Stirlingshire and Clackmannanshire in the matter of horses and carts, as well as those of Linlithgowshire and Fifeshire, are necessarily to be taxed; and, accordingly, one has at this point a list of the parishes in

Stirlingshire and Clackmannanshire, and of the names of the constables deputed in those shires for the carriage business, similar to the lists already recorded for so many others of the Scottish shires.

Nothing seen in Edinburgh by the English strangers quartered in the town during the King's stay there can have been a greater novelty to them than the procession attending his Majesty from Holyrood House, up the Canongate and High Street, to open the Scottish Parliament in the edifice known as the Tolbooth. It was at the end of an obstructive block of buildings running up the middle of the High Street, and separating that lower piazza of the town which lay immediately above the Netherbow from that higher piazza whence there was the ascent by the steep Lawnmarket to the Castle. It may have been a surprise to the English strangers, in the first place, to find that this edifice, besides serving as the jail of Edinburgh, and accommodating, moreover, either itself or with some close adjuncts, the central law courts of the Scottish realm, various Government offices, and the regular meetings of the Privy Council, had to be utilised also as the meeting-place of the assembled Scottish Legislature. They had to learn (as, in fact, most Scotsmen even have still to learn) that there was then no building in Edinburgh, or in all Scotland, known by the express name of the Parliament House, and indeed no need of a building with that distinctive name, inasmuch as Scottish Parliaments in those days were not regular annual affairs, but were called at irregular intervals,—of late only once in three or five years,—to sit, usually never more than about ten days each, in the tolbooth or other hall of the town for which the meeting had been appointed. Since Edinburgh had become the Scottish capital, more Parliaments had been held there than in all the other Scottish towns together; and, though there had been Parliaments in Holyroodhouse, most of the recent Parliaments had met naturally in the Edinburgh Tolbooth, as the real and recognised "Heart of Midlothian." But this matter of the straitened place of meeting for the Scottish Parliament, and the non-existence in Edinburgh of anything equivalent to the two Houses of the English Parliament at Westminster, cannot have

been the only surprise for the English visitors. That there should not be two Houses at all in a Scottish Parliament, but only one House, in which all the Scottish Estates sat and voted together,—Prelates or Spiritual Peers, Nobles or Temporal Peers, so many Representatives of the Lairds or Lesser Barons of the shires and so many Representatives of the chief Burghs,—must have greatly disturbed English preconceptions. Further, it must have been an astonishment to find that, when all had assembled, and the Single House had been duly constituted, the whole of that House did not address itself at once to the real work of the Parliament, but only elected a Committee, composed of fixed proportions of members from the several Estates and styled "The Lords of the Articles"; to which committee was deputed all the trouble of sitting on steadily for the next week or so and framing the Bills that were to be passed,—the rest of the members meanwhile dispersing themselves as they pleased, and either not returning at all, or returning only on the final day of sitting to have the proposed Bills reported to them by the Lords of the Articles, and to pass these in a lump, or, in rare cases, press one or more of them to a vote. Of these peculiarities of the Scottish Parliament the English strangers may have become aware but gradually. What they saw on the afternoon of Tuesday the 17th of June was simply the "Riding of Parliament," as it was called,—*i.e.* the imposing spectacle of the upward procession from Holyrood to the Tolbooth of his Majesty, the Scottish Prelates, the Scottish Nobles, the Representative Scottish Lairds, and the Representative Scottish Burgesses, all on horseback, all in robes and footmantles of regulated fashion and colour, and all marshalled strictly according to their ranks. The only Englishman in the procession, or allowed to be on horseback on the occasion, was the young Earl of Buckingham. His recent admission to the Scottish Privy Council entitled him to this distinction.

Whether the Scottish Parliament of June 1617 was of much interest or not for the English strangers who witnessed its opening, it was a Parliament of no small importance in the history of Scotland. On this account, it has been thought well

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to crush as particular an account of its composition and its proceedings as possible into two long footnotes. In the footnote at pp. 155–158, will be found a complete list of all the 172 persons who formed the Parliament,—13 of them Prelates, 44 Nobles, 46 Commissioners for the Shires, and 63 Commissioners for the Burghs, besides 6 State-officers,—and also an account of the proceedings of the first day, including the King's opening speech, a list of the 40 members chosen to be Lords of the Articles, and some other incidents; and in the footnote at pp. 163–167 will be found an account of the proceedings of the King and the Lords of the Articles, and of certain impediments to them, through the next ten days, together with a summary of the chief of the sixty-two enactments actually passed and added to the Scottish Statute-Book at the closing sitting of the whole House on Saturday the 28th of June. Reference to these two footnotes must suffice for the present, the rather because we shall have to readvert in this Introduction to some of the matters there recorded.

During the nominal session of the Parliament from Tuesday the 17th of June to Saturday the 28th, the King's stay in Edinburgh was signalised by several occurrences of an independent kind. Thursday the 19th of June, which was the third day of the Parliament, chanced also to be his Majesty's birthday, completing the 51st year of his age; and the event was celebrated by a visit of his Majesty in state to the Castle of Edinburgh. He was received there with a speech in Hebrew from an infant prodigy, and a new tribute of Latin verses; after which there was a dinner in the Castle, given by himself to the English and Scottish nobles and other distinguished guests, followed by an exhibition of fireworks for the behoof of the ordinary lieges (footnote, p. 158). The dinner must have been in the great hall of the Castle; and the fact that it was in the Tolbooth, not in the Castle, but many yards underneath it, that the Scottish Parliament was at that moment sitting ought to be sufficient correction, were there no other, of the error which persists in calling that noble apartment, so much admired now in its finely-restored state, by the misleading name of "The Parliament Hall." Three days

afterwards, on the 22nd of June, the Privy Councillors had to snatch time from attendance on the Parliament for a meeting of the Council itself. Not only on that day was James, Lord Hay of Sala, admitted a member of the Council by royal warrant from Holyroodhouse (pp. 156–159); but there were three Acts of Council appertaining to the business of the royal progress itself. One was an Act empowering the Lord High Treasurer, the Treasurer-Depute, and other officials of the Exchequer to borrow 100,000 merks for necessary expenses in prospect of his Majesty's continued stay in Scotland,—the reason assigned being that "the chargeis and expensis bestowit and debursit upoun the "reparatioun of his Majesteis paliceis and housis and upoun the "furnissing of his Majesteis horse and equirie and otheris his "Majesteis princelie affairis and adois hes so far exhausted and "emptyed his Majesteis treasurie and cofferis as litle or no moneyis "at all ar left thairintill" (p. 159). Another maps out more distinctly than heretofore the projected stages of his Majesty's further progress within Scotland, giving the measured distance in miles for each stage (p. 160); and the third gives minute directions for the carriage of a quantity of his Majesty's luggage next week from Edinburgh to Dunbar and thence to Berwick, and so lets us know that his Majesty was not to take the whole of his luggage with him when he should move west to Stirling, but was to leave a portion in Edinburgh to be sent into England separately by the eastern route (pp. 160–161). There was a modification of this last order at a Council meeting on the 26th, with another general order respecting the further carriage of such luggage as his Majesty was to retain with himself, and also a warrant to Sir Henry Wardlaw for £5000 more on account of royal expenses. On the same day, Thursday 26th June, the Corporation of Edinburgh entertained the King and the Nobility at a banquet held in a wooden building, with tapestry decorations, which had been extemporised on a space at the back of St Giles's Church; and on the next day there was a rougher civic festivity in the same "timber-house," protracted into a dance round the Cross and uproarious drinkings of the King's health (p. 162, footnote). On Sunday the 29th, the day after the rising of the

Parliament, there was a meeting of Council at Holyroodhouse, very fully attended, and his Majesty again present in person; and at this meeting the Earl of Arundel, the Earl of Pembroke, Lord Zouch, and Sir Thomas Lake were sworn in as four new English members of the Council in addition to Buckingham, and it was also reported that satisfactory arrangements for the borrowing of the sorely needed 100,000 merks had been made with Mr William Dick, merchant-burgess of Edinburgh, and Mr Alexander Morison, advocate (pp. 163–169). Finally, on the 30th of June, his Majesty again present in a special meeting of Council at Holyrood, there was the formal swearing in of twenty of the thirty-two persons (8 prelates, 8 nobles, 8 lairds, and 8 burgesses) who had been appointed by the Parliament to form the important Commission called "The Commission for Plantation of Kirks,"—*i.e.* for devising means for the future sustenance over all Scotland of a sufficiently numerous and sufficiently endowed Parish Clergy (p. 169). This must have been an early morning meeting; for that very day, Monday the 30th of June, the King bade farewell to Edinburgh, never to see it again, and was off, by way of Linlithgow, to Stirling.

He had left, however, a warrant, dated the 29th, for the admission of Dr Lancelot Andrewes, Bishop of Ely, to the Scottish Privy Council; and accordingly, on the 1st of July, the day after the King had gone, that learned and eloquent English ecclesiastic, known afterwards as Bishop of Winchester, duly appeared in Council to receive the dignity and take the required oath. It is possible that, after being sworn, he remained long enough at the Council Board to witness, with surprise or amusement, the ordering by his colleagues that same day of the two proclamations which are registered at pp. 170–171. The first of these confirms the conjecture already hazarded that his Majesty had brought with him into Scotland nothing like that retinue of 5000 persons for which the lieges had been told to make preparations. A number of the merchants of Edinburgh, and of other burghs, it appeared, had, in consequence of the expectations so raised, and "oute of thair kynd respect and regaird to the credite of the countrey," grievously miscalculated

the quantity of wines that would be required that year in Scotland, and had imported large supplies which remained now unsold on their hands,—"to thair utter wrack and undoing without remeid be providit,"—the rather because the year was far gone and the new vintage was approaching; and the "remeid" which the Council did provide in answer to this complaint was in the form of a proclamation that there should be no further import of wines into Scotland from the 1st of August to the 1st of January next, under pain of confiscation of all such imports, so that there might be time for the complainers to clear off their stocks. Another ragged end of the King's stay in Holyrood was that, in counting over the silver plate, &c., after he was gone, some articles were found missing; and the remedy in this case was proclamation for the restoration of the missing articles within twenty-four hours, under pain of death, by any into whose hands they might have come.

Received at Stirling, on Monday 30th June, with the indispensable speech, Latin verses, &c. (footnote, p. 169), the King remained there, quartered in the Castle, and renewing acquaintance with that most familiar of all Scottish neighbourhoods to him in his infancy and boyhood, till Saturday the 5th of July. Then he removed to Perth. There also the welcome consisted of a speech and an accompanying sufficiency of Latin poems (p. 178, footnote); but, after six days in Perth or its vicinity, spent we hardly know how, he was back in Fifeshire on the 11th, touching Falkland again, but making straight for St Andrews. This visit to St Andrews, which extended over the whole week from the 11th to the 18th of July, does not seem to have been in the original programme of his tour in Scotland, but to have been planned, by way of afterthought, just before the break-up of the late Parliament in Edinburgh. Anyhow, it was, all in all, the most memorable portion historically of the whole tour. Of the incidents of the visit a pretty complete summary will be found in the footnote at pp. 182–184. As will be there seen, the ceremonies of his Majesty's reception, the expressions of loyalty to him, and the amount of his own activity during his stay, were on a scale of magnitude becoming the seat of the

ecclesiastical primacy of Scotland and of the oldest and still most important of the Scottish Universities. Not only were there several Latin speeches to him, with the presentation of a volume of twenty-two Latin poems and one poem in Greek; not only were there two Latin disputations in his presence by dons of the University, and (what was then rather a novelty in Scotland) a Divinity graduation at which the degree of D.D. was conferred in his presence on certain Scottish clerics of his choosing; but, by special prearrangement, there was a sitting of the Court of High Commission during his stay for the trial and censure of certain ministers who had recently incurred his displeasure, followed by a Conference of the Scottish Bishops and a select number of the inferior clergy for the hearing and consideration of certain ecclesiastical changes which his Majesty had at heart. To his Majesty's share in those meetings, and to the very serious nature of the results, we shall have to recur presently; enough meanwhile to have referred to the footnote where the bare facts are narrated. The visit to St Andrews left its sting; but we have to follow his Majesty now elsewhither.

He had now been somewhat more than two months in Scotland, and his stay was to be for little more than a fortnight longer. Hence, as he had entered Scotland by the east coast route, and his range hitherto had been through the south-east counties of Berwick, Haddington, Edinburgh, and Linlithgow, with extensions through Fifeshire and Forfarshire as far north as Dundee or a little beyond, and latterly with visits to Stirling and Perth, it was essential that his return to England should be by the west route, and that in what remained of his tour he should favour the south-western shires as much as he could. Accordingly, during his stay in St Andrews, the Council in Edinburgh had been busy with orders required by that arrangement. See, at pp. 182–186, the two orders of 15th July beginning "Forsa-" mekle as a pairt of his Majesteis cariage is yitt lyand at Halirud-" hous whilk mon be send with diligence to Dumfries," and for that purpose imposing (1) on certain named parishes the duty of supplying horses next day for the conveyance of the said luggage

from Holyroodhouse to Broughton in Tweeddale, and (2) on the shire of Peebles the duty of having horses ready at Broughton on the 17th for the further conveyance of the same thence to Dumfries, to await his Majesty's arrival there. See also, at p. 186, the order of the same day for proclamation at the market-crosses of Glasgow, Hamilton, Sanquhar, and Dumfries, ordaining "the inhabitantis within the saidis townis, awnaris and possessouris of ludgeingis and stabillis," to concur under penalties with his Majesty's harbingers who have been sent to these towns in having all the necessary lodgings and stables in them available and ready for "the noblemen and otheris of his Majesteis tryne that come heir with his Majestie frome England." Pass thence to pp. 188–190; where, in supplement to the arrangements already made for the conveyance of the luggage as far as to Glasgow, there are two orders of the 17th of July respecting the means of conveyance from Glasgow through the rest of his return route. One is a charge to the parishes of Lanarkshire, all duly enumerated, and the constables in them duly named, to have ready at Glasgow on the 28th of July the number of horses and carts requisitioned from them severally for carrying the luggage from Glasgow to Hamilton and from Hamilton to Sanquhar; and the other is a similar charge addressed to the Stewartry of Kirkcudbright and specifying the supplies of horses and carts required from enumerated parishes in that Stewartry to take up the luggage at Sanquhar on the 1st of August, and convey it thence, as may be afterwards directed, first to Drumlanrig, thence to Lincluden, and thence to Carlisle. These orders sketch for us more exactly than hitherto the route from Glasgow by which his Majesty intended to re-enter England.

When they were issued the King was still at St Andrews. His journey thence to Glasgow on the 18th of July was broken by another stay at Stirling. By far the most important incident of this second stay at Stirling, and indeed the one incident of the whole of the royal progress which, for its very grotesqueness, was most talked of at the time, and has left the strongest memory of itself in popular Scottish tradition, was that of which an account is given in the footnote at pp. 196–198:—While

the King had been in Edinburgh, there had, from lack of time or from some other cause, been no special recognition by him of the University of Edinburgh, apart from his gracious acceptance at his first entry into Holyroodhouse of the printed volume of Latin and Greek verses to which Professors and Graduates had been contributors, and some of the pieces in which were in the name of the University. Now, as he had, in his recent visit to St Andrews, honoured the University of that city in a signal manner, and as the two post-Reformation Scottish Universities of Edinburgh and New Aberdeen had been always looked at superciliously by the older or pre-Reformation Universities of St Andrews, Glasgow, and Old Aberdeen, and there had been malignant rumours that his Majesty intended, while in Scotland, to reduce the number of the Scottish Universities to the old pre-Reformation three, or even, if Archbishops Spotswood and Law could influence him sufficiently, to the two Universities of St Andrews and Glasgow, as the oldest of all and as occupying the two archiepiscopal seats of the realm, might not the comparative neglect hitherto of the University of Edinburgh be injuriously misconstrued? It was to obviate that possibility that, on Saturday the 19th of July, the King received in Stirling Castle, by special appointment, a deputation from Edinburgh University, consisting of Mr Henry Charteris, as Principal, and Messrs Adamson, Fairly, Sands, Young, Reid, and King, as Professors or ex-Professors, and sat for three whole hours that evening in the Chapel Royal of the Castle, with a number of the nobility and divines of both kingdoms about him (Dr Laud possibly among them), listening to two Latin disputations by the Professors, and freely interjecting Latin comments of his own. That alone would have been gratifying to Edinburgh and its University; but the honour was converted into a kind of triumph by what passed after supper. The seven members of the deputation having been then sent for and introduced individually, his Majesty was pleased to compliment the six debaters in this series of royal puns: "*Adam* was the first "father of all, and therefore very fitly *Adamson* had the first "part in this Act. The defender is justly called *Fairly:* his

" theses had some *ferlies*, and with many *fair lies* given to his " opponents. And why should not Mr *Sands* be the first to " enter the *sands* [*arena*]? But now I clearly see that all *sands* " are not barren, for certainly he hath shown a fertile wit. Mr " *Young* is very *old* in Aristotle; and Mr *Reid* need not be *red* " with blushing for his manner of acting to-day. Mr *King* " disputed very *kingly*, and of a *kingly* purpose." Principal Charteris, who had taken no part personally in the disputations, had a supplementary pun all to himself, thus: " His name " agreeth very well with his nature; for *charters* contain much " matter, yet say nothing, but put great purposes in men's " mouths." As the last sentence shows, the compliments had not been addressed to the recipients directly, but to the noble and learned auditors present. For the Englishmen among these, it appears, his Majesty found a special lesson in what had occurred. He was glad, he told them, that they had heard from those Edinburgh gentlemen, as they would from all Scots, the correct pronunciation of Latin,—the same pronunciation which he himself had always kept up, having learnt it in his boyhood from his preceptor George Buchanan. " I follow his pronuncia- " tion both of the Latin and Greek," he added, " and am sorry " that my people of England do not the like, for certainly their " pronunciation utterly spoileth the grace of these two learned " languages." But the crowning gratification for Mr Charteris and his colleagues was in these emphatic words used by his Majesty in the course of the interview: " I am so well satisfied " with this day's exercise that I will be godfather to the College " of Edinburgh, and have it called The College of King " James; for, after the foundation of it had been stopped for " many years in my minority, as soon as I came to any " knowledge I zealously held hand to it, and caused it to be " established; and, although many look upon it with an evil " eye, yet I will have them to know that, having given it this " name, I have espoused its quarrel." If Archbishops Spotswood and Law had been entertaining any hope of a consolidation of the five then existing Scottish Universities back into the ancient two of their own archiepiscopal seats, here was a dis-

appointment for them; and, although the Magistrates and Town Council of Edinburgh might have reason to challenge the amount of his Majesty's claim to gratitude for what he had hitherto done for the University, in comparison with what had been done by themselves, the gift of his name to the University and the promise of his future support of it could not but be thankfully acknowledged. At all events, the academic disputation before King James in Stirling Castle on the 19th of July 1617 was regarded at the time, and remembered for many a day afterwards, as little less than an epoch in the history of the University of Edinburgh,—almost a second foundation of the institution. In proof, one may point to the large space occupied by the incident and its concomitants in the transmitted memorials of the Royal Progress of that year, and to the fact that, among those transmitted memorials, there have come down seven contemporary metrical versions, one in English and six in Latin, of the string of puns in which the Scottish Solomon was not ashamed to show his powers of after-supper jocosity.

Leaving Stirling, after a short trip down the Forth to Alloa, the King was at Glasgow on the 22nd of July. Of the speeches and verses with which he was welcomed there, both by the City and by the University, there is sufficient mention in the footnote at p. 198; but there ought to be a glance also at the text of pp. 196–200 for the two orders of the Privy Council issued from Edinburgh on the very day of his Majesty's entry into Glasgow. They are the last of the long series of entries in the Register relating to the eternal business of the conveyance of the royal luggage. One had thought the series already complete; but it seems that some odds and ends of arrangement had not yet been settled respecting that final portion of his Majesty's route which was to take him, on the 4th of August, out of Scotland altogether. The defect was now supplied by regulations for the forthcoming at Annan on the 4th of August of the numbers of horses which had been requisitioned by the Justices of the Peace of the Stewartry of Annandale from the parishes of that Stewartry, and by separate regulations for the forthcoming on the same day of the horses required for the main service of the "lifting of his

Majesteis cariadge in his last remove frome Drumfreis to Carlile." Plaguy to all concerned as this business of the conveyance of the luggage must have been at the time, one valuable result from it, as we have seen, has been the transmission of information which we should not have had otherwise, in the form of a series of surveys of the economic conditions of not a few of the old Scottish shires as they were in 1617, including fragments of what may be called old Scottish county-directories.

The King's visit to Glasgow was interrupted by two days spent in the neighbouring Paisley. Here, in the great hall of the mansion of the Earl of Abercorn, there was, on the 24th of July, the inevitable speech of welcome, with the presentation of an accompanying panegyric in Latin verse,—the speech notable as having been by a precocious youngster of the family of the Semples of Beltries, in whom something of a literary vein seems to have been hereditary (footnote, p. 201). More important was the document, dated from Paisley on the 25th, by which his Majesty, who had been waited on in Glasgow by a deputation from the Town Council of Edinburgh to thank him for his gracious promise to be the godfather of their University, confirmed that promise in due legal form.

As the King had already made his Scottish subjects sufficiently aware of his strong anti-Sabbatarian sentiments by choosing Sunday as the day for the two meetings of the Privy Council in Edinburgh at which he had presided in person, so Glasgow had a repetition of the same lesson. See at pp. 202–206 the minutes of the Council meeting held at Glasgow on Sunday the 27th of July. One observes that, besides twenty Scottish members of the Council who had come from Edinburgh to attend his Majesty in this meeting,—among whom were the Archbishops of St Andrews and Glasgow and the Bishop of Aberdeen,—there were present three of the Englishmen that had recently been added to the Council: viz. the Earl of Pembroke, the Earl of Buckingham, and Secretary Sir Thomas Lake. One observes also that the Acts passed at this meeting of the Council were all politically important. One was an Act for giving effect to a "most princelie

propositioun" of his Majesty affecting Scottish navigation and commerce: to wit, that it should be unlawful for Scottish merchants in future to freight foreign ships or use them for the conveyance of their goods when Scottish or English ships were to be had. Another was the registration of an expressed desire of his Majesty that, as he had bestowed great charges recently on the repair of Holyrood Palace and Chapel, those buildings should be rescued now from the state of comparative obscurity into which they had fallen since the removal of the royal family to England. It was suggested that this might be done if "care wer tane that some face of a courte might be keepit there," as, for example, by using Holyroodhouse in future as the regular place for the meetings of the Privy Council, and Holyrood Chapel as the place of a religious service every Sunday which the Lords of Council should attend officially. Among the other Acts of the same day the most worthy of note were one for a general collection for the relief of captives among the Turks, and another ordaining that the Commissioners for the Plantation of Kirks, appointed by the late Parliament (*ante*, p. xxxii), should hold their first meeting at Edinburgh on the 20th of August next.

These Acts of the Council meeting at Glasgow on Sunday the 27th of July having wound up all the business of a political nature that had remained for his Majesty before he left Scotland, he was off the next day to Hamilton, on a visit of two days to the Marquis of Hamilton in Hamilton Palace. Neither here, nor at Sanquhar, to which he removed on the 31st, to be the guest of Lord Sanquhar, were poems of congratulation wanting (see footnote, pp. 206–207); and even at Drumlanrig Castle, where he was on the 1st of August, they mustered two pieces of Latin verse in honour of his appearance at that seat of Sir William Douglas (footnote, pp. 210–211). Thence, by Lincluden, he reached Dumfries; and Monday the 4th of August witnessed his passage through that town, still amid bustle and speechmaking, on his way to Annan, and so across the Border to Carlisle. Scotland had that day seen the last of King James for ever. As the Scottish Muses, and especially the Scoto-Latin Muse, had

been moved to the utmost possible exertion hitherto at every point of his progress so long as he had been within Scotland, so now on the theme of his departure. It may have been in his leisurely journey from Carlisle to London, where he did not arrive till the 15th of September, or it may not have been till later, that he received the collection of six valedictory Latin poems mentioned in the footnote at pp. 211–212. Two of these were by David Wedderburn, Master of the Grammar School of Aberdeen, who had been a contributor to the stock of pieces addressed to him already during his stay in Scotland, and who now took occasion to express the grief of the Aberdonians that his Majesty's tour had not extended farther north than Forfarshire, and so that, while Edinburgh, Dundee, Stirling, Glasgow, and St Andrews were exulting in the glimpses of his royal person with which they had been honoured, there had been no such good fortune for the famous Devana of Ptolemy and Bonaccord of King Robert Bruce, the ancient city of the Dee and the Don.

Although the actual story of the King's visit to Scotland ceases in the Register at p. 212, there are vestiges of it and references to it throughout the rest of the volume. At p. 249, under date 1st October 1617, and again at p. 465, under as late a date as 12th November 1618, we hear generally of arrangements for "the rewarde of these who attendit his Majestie during his aboade heir"; and at p. 256, under date 6th November 1617, there is registered a precept of his Majesty, given at Carlisle only three days after he had left Scotland, authorising a special gift to Sir James Dundas of Arniston, in acknowledgment of eminent services to his Majesty in times past, and particularly of those rendered by Sir James in his capacity as one of the masters of the royal household during the late visit. *Per contra*, one hears of large disbursements for the payment of debts of the visit still due, —*e.g.*, on 6th November 1617, two sums of £10,000 and 40,000 merks (p. 256), and again, as late as 9th February 1619, another sum of £18,000 (p. 511); besides which one is glad to find an order on the 9th of June 1618 to William Dick and Mr Alexander Morison for the repayment of the 100,000 merks advanced by them for the expenses of the visit on the security of the taxa-

tion of £200,000 voted for that purpose by the Estates (p. 374). An odd vestige of the visit is the complaint at p. 300, under date 29th January 1618, by William Porteous, keeper of the outer gate of Holyrood Palace, of an assault upon him by Robert Carmichael and some other young men while he was "sitting at the said utter yet for halding out all idill people that preassit in thairat." He had, he said, one of his legs within the gate and the other without, when "thay verie violentlie raschet to the yet "upoun his leg, and brak the same in peeceis, and schamefullie "and unhonnestlie strak and dang him"; but he failed to make out the case, and the defenders were discharged. By far the most important vestige of the visit, however, is that which will be found at pp. 418–419, under date 30th July 1618, in the shape of an injunction by the Lords of the Privy Council to the Edinburgh printers and booksellers, Andrew Hart and Thomas Finlayson, "that thay onnawyse presoome nor tak upoun hand "to gif furth or disperse, nor yet suffer to be sene, ony of the "bookis laitlie imprented be thame contening the poemes, "speecheis, verseis, and valeis written and deliverit to the King's "Majestie the tyme of his laite being in this kingdome, quhill "first his Majestie have sene the saidis bookis, and that thay obtene "the saidis Lordis warrand for outputting of the same," with the further command that, when they *had* received such warrant, they should at once "deliver four score of the saidis bookis "compleit to Williame, Bischop of Galloway, Deane of his "Majesteis Chappell, to the effect he may send fourty of thame "to his Majestie and distribute uther fourty thairof amongis the "prelattis, nobilitie, and counsellouris of this kingdome." The order further provides, on the recommendation of the said Bishop of Galloway, that Mr John Adamson, minister of Liberton, in respect that it was he that had "collectit, revised, and attendit the printing" of the said poems and speeches, shall be the person charged with the carrying of the forty copies of the book to be delivered to his Majesty in England. Although the book in question,—a carefully printed folio volume, now rather rare, bearing the Greek title "Τα των Μουσων Εισοδια," with the English equivalent *Muses Welcome*, &c.,—is well known to

Scottish bibliographers, this order supplies some particulars about it that may be new to most. It was, it appears, no private venture, but a state-publication in which his Majesty took a direct interest, intending that it should go down to posterity as an authoritative and minute record of one of the most important events of his reign. He was to have forty copies himself for distribution among the English ; and forty presentation copies were to be distributed among the Scottish prelates, nobles, and councillors. For Scotland, at all events, the book possesses the interest of being a compendium of Scottish literary relics from a time when Scotland was peculiarly poor in literature. On this account, though the single piece in the volume of any real note now is Drummond's *Forth Feasting*, which would have come down to us at any rate in an independently printed form, there ought to be some small recollection still in Scottish literature of Mr John Adamson, the collector of all the pieces and the pains-taking editor of the volume. He was, it may be remembered, the clerical gentleman who had acted as manager of the deputation from Edinburgh University to his Majesty at Stirling, and on whose name, because of his leading part in the Latin disputations on that occasion, his Majesty had then vented the first of his string of puns. Although now parish minister of Liberton, near Edinburgh, he had formerly been for some time one of the Professors of the University.

II. CHURCH AND RELIGION.

In the letter of his Majesty, dated from Newmarket the 15th of December 1616, in which he had explained beforehand the motives of his intended visit to Scotland, he had assured his Scottish subjects that he did not mean to trouble them or himself during his visit with any alterations in the government of Scotland, whether civil or ecclesiastical, other than such as might meet with the general liking and applause of the people. See the entire document at pp. 684–686 of last volume. In mentioning it in the Introduction to that volume, we said (p. cxv) that it would be for the present volume to show how

far the promise was kept. From hints already given it will have been inferred that it was kept but indifferently; but now we may say that it was not kept at all. In the ecclesiastical department of affairs, more especially, the promise was utterly at variance with what turned out to be the fact. If King James did not come to Scotland with the deliberate purpose of moving and carrying an ecclesiastical revolution which had for some time been shaping itself in his thoughts, certain it is that, while he was in Scotland, he did move such a revolution, and that, though he was not able to carry it to completion before his return to England, he left it then in such full ferment among the Scots that one year more sufficed for the completion. Were the King's visit of 1617 memorable for nothing else, it would be memorable, therefore, for its consequences to the Church of Scotland. This is a portion of the history of the visit which has been necessarily reserved hitherto.

One might have thought that nothing describable as an ecclesiastical revolution remained in 1617 as a possible experience for Scotland. Had not the subversion of the old Presbyterian system of the Kirk and the substitution of Episcopacy instead been achieved absolutely and finally in 1610, when the titular or state-created Episcopacy of the preceding six or ten years was superseded by a regular *jure divino* or Apostolic-Succession Episcopacy imported from England? What more could be wanted? What more did King James want? Could he have been content, there was every probability that Episcopacy, as already established by him in Scotland, would last there and become permanent. People had been growing accustomed to it; the fervid Presbyterian chiefs of the first decade of the century, —the Melvilles, the Welshes, and their comrades,—were dead or in exile; and, if there was here and there still a parish minister who cherished their memories and their principles, he had to do so in secret, or with as little publicity as possible. But King James was not content with what he had already achieved. He wanted more than the mere continuance in Scotland of the Episcopal form of Church Government which he had, after long effort, substituted for the Presbyterian. He wanted to bring

about a more complete and intimate assimilation of the Church of Scotland to the Anglican Church than had been effected by the mere setting up in Scotland of a High Church hierarchy, modelled after the Anglican, and deriving its Apostolic validity from the initiating touch of English bishops. He wanted to introduce other and more subtle Anglicanisms into Scotland. Not, indeed, that he proposed to tamper with the traditional Calvinistic theology of the Scots. Arminianism, it is true, had been creeping in recently among the Scottish Episcopal clergy, as it had done still more extensively among the English High Church clergy ; but the Calvinistic theology was still in the main the accepted Protestant theology of both nations ; and there is evidence that, despite the inherent affinities of the Arminian theology with those doctrines of Absolute Monarchy and Passive Obedience which King James had made his own, and the inherent affinities of the Calvinistic theology on the other hand with the opposite doctrines, it was the Calvinistic theology that he still favoured ostensibly and thought himself bound to champion. One may refer in this connection to his attitude towards the famous Synod of Dort when it met in 1618 and there was battle there between the Dutch Calvinists and the Dutch Arminians. King James's quarrel with the English Puritans, therefore, was not on account of their Calvinism, but of other things. Partly it was on account of their anti-prelatic zeal, their objections to a High Church Episcopacy or anything but a Limited Episcopacy ; but what also exasperated him was the antipathy of the Puritans to elaborate ritual and ceremonial in the Church, their vehement and avowed preference of the preaching and teaching function of the Church as represented in the pulpit, the reasoned and stimulating popular sermon, over its more passive function as represented in its liturgy, its music, and its symbolisms for worship. Now, if the Puritans of the Church of England displeased him in this respect, he had the same cause of displeasure with the Scots universally. They had a Church and a Clergy, it was true; and it was now a Prelatically organised Church, with Bishops moving about among the clergy and ruling them ; but it was a Church mainly of preaching and sermons, of long and

incessant Calvinistic sermons, exercising the intellect certainly, but often in directions politically dangerous, and was almost wholly destitute of liturgy, or any other provision of rich ceremonial. So King James had persuaded himself; and it was a state of things which he had resolved to remedy.

He had signified as much even in 1616. See at pp. ciii–civ of our Introduction to last volume, and more particularly in the footnote to pp. 598–601 of that volume, the account of the important constitutional changes in the Scottish Church that had been enacted by the General Assembly at Aberdeen in August 1616, mainly by his Majesty's instigation, and of his disappointment that the Assembly had not gone further. They had enacted that there should be prepared a new Confession of Faith, new Catechisms for the young, a new Liturgy, a new book of Ecclesiastical Canons, and new Rules for Baptism, Confirmation, and the Administration of the Communion; but, though that was all very well, why had they not enacted also that kneeling should be the posture at the Communion, that there might be private administration of the Sacraments, and that there should be religious observation, as in other European churches, of the great holidays or festival days of the year? Archbishops Spotswood and Law and the Bishops had shrunk from attempting those innovations in the Assembly, and had left the attempt to be made by his Majesty himself. It was made in his Scottish visit of 1617; and that he had come to Scotland with this predetermination seems proved by the fact that among the English ecclesiastics he had brought in his train were Bishops Andrewes, Neile, and Montague, the three most eminent exponents of High Church theology and ritualism on the English Episcopal bench, and Bishop Neile's special *protégé*, the anti-Calvinistic and Arminian Dr Laud. King James, it is known, had no great liking afterwards for Laud personally; but Laud cannot have been in his retinue on the present occasion without his special consent and approval.

There was premonition of his Majesty's purpose in his visit even before his arrival. It was not for nothing, the Edinburgh people perceived, that such elaborate decorations had been going

on for months, under the care of skilled English workmen, in the Royal Chapel of Holyrood,—not only repairs of the ordinary wood-work of the pews, but structural alterations of the interior for the accommodation of the organs that were to be sent from London and of a suitable choir of singers, and even for the reception of carved and gilded wooden figures of the twelve Apostles and the four Evangelists, which had been designed by Inigo Jones. See the footnote at pp. 65–67 ; where it is explained, however, that this last item of the carved images was countermanded by his Majesty at the last moment in consequence of remonstrances from the Scottish Bishops, though not without a sneer at their ignorant provincialism in such matters, and a hint that the English doctors he was bringing with him would give them the instruction they needed. Further premonitions followed in such incidents of the King's first few days in Holyrood after his arrival as the punctilious performance in the redecorated chapel on Saturday evening, the 17th of May, of a religious service in English fashion, with instrumental music, the use of the surplice, &c. (p. 137, footnote), and the holding next day, though it was Sunday, of a meeting of the Privy Council in the Palace, for the admission of Buckingham to a seat in the Council, and for other business. The King thought it as well, it would seem, to mingle some correction of the Sabbatarian notions of his Scottish subjects with his instructions to them in Church ritual. These instructions were deliberately resumed after the King's return to Holyrood early in June from his fortnight's hunting in the parts north of the Firth of Forth. Not only was the English service regular thenceforth in the Royal Chapel ; but, by special regulation of his Majesty, all the Scottish Councillors, Nobles, and Bishops then in Edinburgh were required to attend the service with him and to partake of the communion kneeling (p. 147, footnote). There was demur on the part of some ; but Archbishops Spotswood and Law, and three of the Bishops, besides the Chancellor, the Earl of Argyle, Lord Binning, and others of the Council, at once complied. Meanwhile the English doctors were aiding his Majesty as much as they could. See, for example, the footnote at

p. 148, where the Dean of St Paul's and Dr Laud are found giving a lesson between them to the Scottish clergy on the right mode of performing a funeral service.

Though there had been these premonitions of his Majesty's intentions, it was in the Parliament which sat in Edinburgh from the 17th to the 28th of June that he made his first broad move towards his preconceived ecclesiastical revolution. See again the detailed account of the composition and the proceedings of that Parliament given in the footnotes at pp. 155–158 and pp. 163–167. We have to advert here only to the ecclesiastical legislation of the Parliament and to the King's personal exertions in that department of the proceedings.

The forty Lords of the Articles having been elected on the first day of meeting out of the whole house of 172 persons constituting the Parliament (which had not been done without differences and difficulties that had to be quashed by a threat of dissolution), it was on this committee of forty that there devolved the duty of consulting daily for the next ten days and drafting the Bills that were to be submitted to the whole house when it should reassemble for the concluding meeting. His Majesty, it appears, attended the Committee so steadily throughout that the Bills drafted were all either of his suggestion or with his consent. They were 63 in number, of which the first five in particular related to matters ecclesiastical. Of these five the most important and comprehensive was that which figured as No. 1 of the whole series. As originally worded it was the draft of a Statute to the effect that whatever conclusion should be taken by his Majesty, with the advice of the Archbishops and Bishops, in external matters of church policy, should have the force of an ecclesiastical law. At first sight this might look like a limitation of the powers actually claimed by the King in matters ecclesiastical. By that Stuart doctrine of kingship which he had professed since his youth, and had been ceaselessly inculcating both in Scotland and in England, had not the King the supreme prerogative as well in matters ecclesiastical as in matters civil; was not this doctrine of the royal supremacy embodied in the oaths of allegiance that had been taken by all

Scottish officials; and, to instil the doctrine more effectually into the very vitals of the community, had there not been in compulsory circulation in Scotland for the last ten months, as an authoritative educational text-book for use in all schools and colleges and in all private families, that extraordinary, though now totally forgotten, little treatise called *God and the King* which his Majesty had adopted as the most perfect possible exposition of the doctrine, and the universal circulation and use of which he had previously made compulsory in England and Ireland (*ante*, vol. x. pp. cvii–cix)? What need for a statute enabling the King to make ecclesiastical changes with the advice of the Archbishops and Bishops when he had thus the inherent power of making them himself without any advice? Theory in such cases, however, is always qualified by customary procedure; and, just as the King's will in secular matters was expressed in ordinances professing to be passed by him with the advice of his Lords of the Privy Council, so might it not be convenient that his ecclesiastical edicts should issue as framed by him with the advice of his prelates? Such an arrangement would suit very well for those changes in the ritual of the Scottish Church which he had now in contemplation. As he had no difficulty in using Chancellor Dunfermline, Secretary Binning, and the rest of the members of the Scottish Privy Council, as the instruments of his will in secular matters, there was little likelihood that Archbishops Spotswood and Law, and Bishops Forbes, Lamb, Abernethy, Bellenden, Alexander Lindsay, Patrick Lindsay, Douglas, Graham, Boyd, Cowper, and Andrew Knox, would refuse to be the agents of his ecclesiastical policy.—— That was true enough; but those prelates themselves, it seems, shrank from so invidious an honour. They represented to the King, Spotswood tells us, that Scottish tradition and precedent did not recognise the mere consent of Archbishops and Bishops as sufficient for the making of an ecclesiastical law, but required the advice and consent also of the body of the Presbyters, and therefore that some alteration of the wording of the Draft Statute might be expedient. His Majesty, though declaring that nothing would induce him to lend any countenance to the

detestable old Scottish notion that the opinions of the body of the Presbyters on any ecclesiastical subject could be ascertained only by General Assemblies, and that the decisions of General Assemblies should rule, yet saw reason for accepting to some extent the suggestion of the prelates. Accordingly, for Statute No 1 as originally drafted, this was what was substituted: "That whatsoever his Majesty should determine in the external "government of the Church with the advice of the Archbishops, "Bishops, *and a competent number of the Ministry*, should have "the strength of a law." The words here printed in italics are the significant alteration. Though purposely vague, inasmuch they left open the question what number of the inferior clergy should be deemed a "competent" number for the required purpose, they yet pointed unmistakably to the possibility that, for the passing of ecclesiastical laws in future, all that would be necessary would be either a mere enlargement of the Episcopal bench by the addition to it *ad hoc* of a few selected Presbyters, or, at the utmost, a conference of the Bishops with as many of the inferior clergy as could be got together with certainty of a manageable majority. In either case the proposed Statute would uproot the last relic in Scotland of the Presbyterian principle of rule by free and regularly elected General Assemblies.——The Draft Statute as thus modified by the Lords of Articles was ready, with the other 62 Bills they had drafted, for presentation to the whole Parliament, when an unexpected block occurred. As was natural on the occasion of the meeting of a Parliament, and especially of a Parliament which was expected to pass several important ecclesiastical measures, and among them one for a general augmentation of the stipends of the clergy, a large number of the parish clergy of the southern districts of Scotland had been attracted to Edinburgh. These, as was also natural, had been holding meetings among themselves, a bishop or two sometimes with them, for gossip and interchange of views. There had been mutterings in these meetings of old-fashioned Presbyterian sentiments by Mr David Calderwood, minister of Crailing in Roxburghshire, and by some others, but with no formidable result till Friday the 27th of June, the day before

that final sitting of the whole Parliament at which the Bills drafted by Lords of the Articles were to be reported in mass. Then, news of the Draft Statute No. 1 of the list having got about, and the exact terms of the Statute having been learnt, there was such a clerical explosion as had not been seen in Scotland for many a day. Despite dissuasions and warnings by Archbishop Spotswood and others of the prelates, a meeting was hastily held at which a Protestation was drawn up, and signed by 55 of the ministers present, to the effect that the proposed Statute was a violation of the fundamental rule of the Scottish Church that changes of ecclesiastical law should be by the "advice and determination" of General Assemblies of the Church. The document had been penned chiefly by Mr Peter Hewat or Ewart and Mr William Struthers, ministers of Edinburgh, in conjunction with Calderwood; but, that the procedure might be as mild as possible, it was agreed that the original with the 55 attached signatures should be withheld meanwhile, to be forthcoming if required, and that there should be presented to the King only a copy authenticated by the single signature of Mr Archibald Simson, minister of Dalkeith, who had acted as scribe of the meeting. The presentation of this copy, it was also agreed, would be best made by Mr Peter Hewat, on the ground that, having recently been appointed to the Abbacy of Crossraguel, he had a seat in Parliament on that account, being in fact the only cleric in Parliament in addition to the Bishops, and could therefore, if necessary, bring the document to the notice of the Parliament itself. For what happened in consequence see Spotswood's unusually lively description, as quoted in the second of the two above-cited footnotes. Early in the morning of Saturday the 28th, lo! Spotswood himself at Holyrood Palace to see his Majesty before Parliament met for its final sitting, and lo! Mr Peter Hewat also there in the palace with the dangerous document. They are together in the ante-room to the King's chamber, waiting for his Majesty, who has not yet come out. The Archbishop having got the document into his hands, and having soundly rated Mr Peter for his presumption, and Mr Peter, though his courage was ebbing, still showing some firmness, and

trying to recover the document, there ensued a scuffle between the two for its possession. Informed by a groom of the disturbance going on in the ante-room, his Majesty came forth half-dressed, and inquired the cause. The Archbishop having given the necessary explanations, and his Majesty's countenance glooming, Mr Peter was now in genuine alarm, and collapsed. "Falling on his knees and trembling,"—so Spotswood reports,—he averred that he had no thought that the document would offend his Majesty, but that now, knowing it did offend, he was infinitely sorry, and would move not a step further in the business. The King, having looked at the document for himself, and asked questions about it, and especially how it had happened that it bore but one signature, and what had become of the alleged original with the 55 signatures, behaved for the rest with surprising coolness. Having handed back the document to the Archbishop, with orders to keep it safely, he said nothing more, but withdrew to prepare for his procession in state up the Canongate and High Street to his place in the Parliament. The protestation, however, had remained in his thoughts, the rather because, though he was sure that Mr Peter Hewat would not now present it in Parliament, there might be sympathisers with it there who would stir the same question and oppose the unpopular Statute. To prevent this, his Majesty, though it was at the last moment, instructed Sir George Hay, to whom, as Lord Clerk of Register, the duty belonged of reading out the Bills that had been drafted by the Lords of the Articles, or the titles of them, to drop Bill No. 1 altogether. This was done accordingly; and so, when the Parliament rose, it had converted into Acts only 62 of the 63 Bills that had actually been prepared, the all-comprehensive Draft Statute at the head of the list omitted, and the only notable Acts of an ecclesiastical kind then left being the four mentioned and described in the footnote at pp. 163–164. The most important of these was that "Anent the Plantation of Kirkis," providing that a commission of thirty-two persons,—8 for the spiritual order, 8 for the nobles, 8 for the lesser barons, and 8 for the burghs,—should be set up for the consideration and invention of means for the due multiplication and distribution of

churches over the whole area of Scotland and for the proper sustentation of the clergy. This was the Bill that had attracted so many of the clergy to Edinburgh while the Parliament was in session.

The King had cared the less for the loss of his carefully framed Statute because, as he said, "it was a thing no way necessary, "the prerogative of his Crown bearing him to more than was "declared by it." In other words, the Statute, by its language, had been ostensibly a limitation of his claim to absolute ecclesiastical as well as absolute civil kingship; and the dropping of the Statute had left him free to revert to that claim in its fullest form. Still his main effort in the Parliament of June 1617 had ended in a miss-fire; and King James,—the most pertinacious of men in any notion he had once conceived,—was not likely to rest under that imputation. He was sure to take any opportunity of moving again, while he was in Scotland, the project he had sought to carry in the Parliament.

The opportunity came speedily enough. It came during his visit to St Andrews and stay there from the 11th to the 18th of July. Indeed, just after the Parliament had risen, and before he left Edinburgh for that circuit by Stirling, Perth, &c., which was to bring him to St Andrews, he had arranged that the visit to St Andrews should not be for ceremony only, but should be turned to account for business. What more natural than that, if any special business were to be transacted in the Canterbury of Scotland, it should be of an ecclesiastical nature?

From the sketch given in the footnote at pp. 182–184 of the incidents of the King's visit to St Andrews, it will be seen that the ecclesiastical interest of the visit turns, in the first place, on what was done in an appointed meeting there of the Ecclesiastical Court of High Commission, and, in the second place, on what was done immediately afterwards in a Conference of the Bishops and a number more of the Clergy over certain propositions urged upon them by the King:—
I. Meeting of the Court of High Commission. It had been resolved to punish the chiefs of the daring band of fifty-five parish ministers whose "Protestation" had baulked the King

of the Statute he had expected to pass in the recent Parliament. Accordingly, the seven ministers who were regarded as most culpable in that transaction, — viz. Mr Archibald Simson, minister of Dalkeith, who had signed the copy of the protestation that was to be presented to the King and Parliament, Mr David Calderwood, minister of Crailing, who had helped to draft the document, Mr Peter Ewart or Hewat who had been deputed to present it, and Messrs William Struthers, Patrick Galloway, Andrew Ramsay, and John Hall, as the four Edinburgh ministers chiefly implicated otherwise,—had been summoned to appear for censure. The presiding judge was Archbishop Spotswood, beside whom were Archbishop Law and other Bishops of the Commission; but the King himself was present, and took the leading part. He opened the Court with a speech in which he cited his English experience in like cases for the benefit of his auditors. So long as refractory Puritan ministers in England had been punished only by suspension from their benefices, he said, little effect had been produced,—the ministers continuing to preach, and their adherents always making up the loss by private benevolence; but, when offending ministers were deposed from office and so silenced, the result was very different. The offenders then soon succumbed; and many who had been dealt with in this manner were now among the most obedient of the English clergy! What he recommended on the present occasion, therefore, was that the Court, in dealing with those Scottish Puritans, should strike hard. The advice was taken. The four Edinburgh ministers, indeed,—Messrs Struthers, Galloway, Ramsay, and Hall,—made more or less abject submission, and were forgiven; but the other three, as more stubborn, or judged most guilty, fared ill. Mr Simson was deprived of his charge and ordered into confinement in Aberdeen; Mr Peter Hewat was similarly deprived, and ordered into confinement in Dundee; and for Calderwood there was reserved the severest punishment of all. Deprived of his ministry of Crailing, he was committed to the Tolbooth of St Andrews; whence he was transferred within a day or two to Edinburgh, for continued ward there till further sentence should be pronounced on him,—which sentence

turned out to be one of banishment from his Majesty's dominions. The cause of this exceptional severity in Calderwood's case was the resoluteness with which he had defended himself and maintained his principles in the Court. Not only impassive to the jibes and browbeating of Spotswood and the other prelates, he had been respectfully obdurate and unsubduable even in a protracted and most perilous argument which he had to sustain with King James himself. It is at this point of Scottish History, in fact, that Calderwood first emerges fully into notice. He has been heard of before in this Register, and always characteristically (*ante*, vol. viii. by index); but now, at the age forty-two, he steps out, one may say, as the visible standard-bearer of Scottish Presbyterianism at a time when the champions of that cause were fewest and its hopes were lowest. He had thirty-three years of life still before him, which were to be employed industriously in the writing of pretty numerous books, his large History of the Church of Scotland included,—by far the fullest and most valuable mass of materials for the time over which it extends; but it is in this meeting of the Court of High Commission at St Andrews in July 1617 that we see him most interestingly in living contact with that other Scottish ecclesiastical historian of his time along with whom he will always be remembered. The superficial and prejudiced Spotswood, and the equally prejudiced, but far more laborious, Calderwood: these are the mutually antagonistic Scottish Church Historians of the reign of James VI., the Scylla and Charybdis between which the modern student of that reign has to steer his course; and here we have the two men face to face with each other,—Spotswood on the bench as Archbishop of St Andrews and President of the Court, and Calderwood at the bar of the Court as a culprit on trial.—II. The Clerical Conference. About thirty-six parish clergymen being present in addition to the Archbishops and Bishops, this Conference, held on Sunday the 13th of July, was exactly the kind of gathering that the King must have had in contemplation when he proposed that there should be an express statute recognising his power to make new ecclesiastical laws "with the advice of the Archbishops, Bishops, and a com-

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petent number of the Ministry." It was, in fact, an experiment of the way in which such a Statute might be worked. Accordingly, his Majesty, while distinctly intimating to the inferior clergy present that his consulting them at all was merely optional on his part, inasmuch as it was "a power innated and a special prerogative" of Christian Kings to order Church polity as, by the advice of the Bishops, they should find most fitting, yet proceeded to use the Conference for whatever it might be worth. This he did by propounding to them for their consideration and approval those ecclesiastical innovations which he had been meditating for some time, and had indeed sketched out some months ago in the comments he had made on the proceedings of the General Assembly held at Aberdeen in August 1616 (*ante*, vol. x., footnote, pp. 598-601). These proceedings, though good so far, had been, as he had then intimated to Archbishop Spotswood and Bishop Patrick Lindsay, "a mere hotch-potch" in some particulars, and were defective especially in not having provided that there should be canons for establishing the following new practices in the Church of Scotland:—(1) Kneeling at the Holy Communion, (2) Private Communion in cases of sickness or other emergency, (3) Private Baptism in like cases of necessity, (4) Observation of the great annual festivals of Christmas, Easter, Resurrection Day, Ascension Day, and Whitsunday, (5) Confirmation of the young at proper age by their Bishops.—Would the present Conference agree with his Majesty that these new practices were desirable and should be introduced? It was to ascertain this that he had called them together! Whatever disposition there may have been on the part of Spotswood and others of the prelates to oblige his Majesty by an immediate assent, the bulk of the clergy present seem to have been taken aback. Falling on their knees before his Majesty, they begged permission to retire for consultation among themselves; and, this having been granted, they did consult among themselves for two hours in one of the city churches, and then returned with the disappointing answer that the articles proposed were of too high and grave a nature to be decided on in any other manner than by the common consent of a General

Assembly.——His Majesty, though showing his disappointment, and remarking that his experience of General Assemblies hitherto had not been very satisfactory, took the answer prudently, but asked with some irony whether any one would guarantee that, if he did call another General Assembly, he would find it more reasonable than its predecessors. Mr Patrick Galloway, one of the forgiven Edinburgh ministers of the previous day, having called on Archbishop Spotswood to give his Majesty the necessary assurance that the clergy would now be in the right temper for his Majesty's purposes, and the Archbishop having warily declined to be voucher for any such thing, and Mr Patrick himself having then undertaken the responsibility of the promise, his Majesty was gracious, and the Conference broke up with a kind of understanding that a General Assembly would meet at St Andrews in the following November.

During the rest of his Majesty's stay in Scotland nothing of any significance is to be noted as occurring in the ecclesiastical department of affairs, unless it be that at his parting meeting with the Privy Council, held at Glasgow on the 27th of July, —the day being Sunday, and Archbishops Spotswood and Law and the Bishop of Aberdeen being present,—the King again enjoined on the Councillors the duty of regular attendance every Sunday on the service in the Chapel of Holyroodhouse, also gave directions for the collection throughout the dioceses of a contribution for the relief of captives with the Turks, also settled the time when Mr David Calderwood should be bound to go into banishment, and also fixed the day on which the Commission for Plantation of Kirks appointed by the late Parliament should begin their sittings (pp. 202–206). Nor, after his Majesty had returned to England on the 4th of August, is there much of an ecclesiastical nature in the Register for the next three months. The Edinburgh people, indeed, were scandalised on the 19th of August by the performance in Holyrood Chapel by Bishop Cowper of Galloway, Dean of the Chapel, of a highly ceremonious baptism service, with organ music, choir-singing, linen tablecloths, silver vessels, &c. (p. 213, n.); the collection for behoof of captives with the Turks is heard of as

still going on (p. 224 and p. 249); Archbishop Spotswood is heard of as absent for a good while in England in consultation with his Majesty, and poor Calderwood as still lingering on in Edinburgh in hopes that his friends might procure him a reprieve from his sentence of banishment (p. 240, n.); and there is proof that, though the great Commission for the Plantation of Kirks did hold its first meeting in the Council House in Edinburgh, as appointed, on the 1st of October, there was so little alacrity for the business that three of the lairds on the Commission had to be admonished for their absence (pp. 241–242). Passing such small matters, we arrive at the 4th of November, when a proclamation was issued making it certain that the promised General Assembly at St Andrews would actually meet on the 25th of that month (pp. 253–254). There had been doubts whether his Majesty would after all permit the Assembly; but the Bishops had been feeling the pulse of the clergy in their respective dioceses, and had reported that symptoms were favourable for the result which his Majesty desired (p. 254, n.).

The Assembly did meet at St Andrews on the 25th of November, and sat for some days. See an account of its proceedings in the footnote at pp. 270–271. Enough here to report that it failed miserably for the purpose for which it had been called. The Earl of Montrose, who had been designated for the post of his Majesty's Commissioner in the Assembly (p. 255), was absent from illness; and in his stead the duties of the post were entrusted to Lord Secretary Binning, Lord Carnegie, Treasurer-Depute Sir Gideon Murray, Sir William Livingston of Kilsyth, and Advocate Sir William Oliphant. But seven of the Bishops were also absent, and the attendance of the inferior clergy was much smaller than had been expected. In these circumstances, though the King's Commissioners exerted themselves to the utmost, and Archbishop Spotswood and the other prelates present did the same, and Mr Patrick Galloway tried all he could to make good his prediction that the Assembly would give his Majesty satisfaction, the five ecclesiastical Articles about which his Majesty was so much in earnest could not be pushed through. There was some tinkering, indeed, at the Articles relating to the

Communion, but only to the effect that private communion might be allowed, in the presence of witnesses and with other careful precautions, to sick persons who had been bedridden for a year and whose recovery was hopeless, and that, to facilitate in public communion the delivery of the elements to each individual communicant by the minister's own hands, the communion-table should be of a regulated fashion and the seats about it correspondingly arranged. So far the Assembly had made an effort to meet his Majesty's views; but, as for the other Articles,—Kneeling at the Communion, Private Baptism, Confirmation of Children by Bishops, and Observation of Festival Days,—they begged to be excused till they had more light on those subjects and the advantage of a fuller concourse for deliberation on them.

Conceive the rage of King James when he received the report of this lame and impotent conclusion of the General Assembly at St Andrews. Read in particular the extracts given in the foot-note at pp. 280–282 from the two letters on the subject he sent from Newmarket,—one on the 6th of December to Archbishops Spotswood and Law jointly, and the other to Spotswood alone on the 11th:—"Since your Scottish Church hath so far con-"temned my clemency, they shall now find what it is to draw the "anger of a King upon them," was a sentence in the first letter, written by his Majesty's own hand. But the second letter was the more stinging. It ridiculed unmercifully the Assembly's small and very guarded deliverances on the two points of private communion and a peculiar shaping and seating of the public communion-table, declared that he would rather have had no concessions at all than these, and in fact ordered them to be cancelled. "Concerning the Communion allowed to sick per-"sons," he said, "besides the number required to receive with "such patients, and a necessity tying them upon oath to declare "that they truely think not to recover, but to die of that disease, "they are yet further hedged in with a necessity to receive the "sacrament (in case foresaid to be ministered unto them) in a "convenient room; which what it importeth we cannot guess, "seeing no room can be so convenient for a sick man sworn to

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"die as his bed." On the other concession he was even facetious. "As to that other Act," he wrote, "ordaining the minister "himself to give the elements in the celebration out of his own "hand to every one of the communicants, and, that he may "perform this the more commodiously, by the advice of the "magistrates and honest men to prepare a table at which the "same may be conveniently ministered,—truly in this we must "say that the minister's ease and commodious sitting on his tail "hath been more looked to than that kneeling which for rever-"ence we directly required to be enjoined to the receivers of so "divine a sacrament." For practical sagacity in the two particulars concerned there can be no doubt that his Majesty had here the advantage; but what has to be noted is the fact that a rebuke of this kind, a rebuke so undisguisedly insulting and contemptuous, could be addressed by King James in 1617 to the collective clergy of the Scottish nation. Will any one, after reading it, and after remembering that similar rebukes for misjudgment in secular affairs came from him now and then to the Scottish Privy Council, persist in that habitual conception of King James which represents him as a flabby, jocose, easy-going, shambling pedant, affecting the part of a Scottish Solomon? The tradition is about the absurdest in British history. King James was a much abler and shrewder man than it supposes; and, whether able or not, he had taught all Scotland, and every functionary in Scotland, to stand tremblingly in awe of him.

After the futile issue of the General Assembly at St Andrews there was again a lull of some months in his Majesty's efforts to obtain, within Scotland itself, legislative sanction for his favourite Articles. Not that he ceased to work for them by all the other methods he had in his power, and especially by that exercise of his own mere prerogative to which he had always threatened to resort if obliged. For example, in that very letter of the 6th of December in which he had conveyed to the two Archbishops his indignation over the ridiculous results of the St Andrews Assembly, he had inserted a peremptory command to the two Archbishops themselves to keep the approaching Christmas Day in the proper manner and with the proper services,—Archbishop

Spotswood in Edinburgh personally and in St Andrews by deputy, and Archbishop Law personally in Glasgow,—and also to urge on all their subordinate Bishops observance of the day in like manner in their dioceses. In the same letter there had been instructions to the two Archbishops to stop for that year the stipends of all the parish clergy except such as had testified their loyalty by furthering the acceptance of the Articles. This last order does not seem to have been carried out; but month after month there are proofs in the Register of the King's determination to have his own way. We may cull them in chronological order:—On the 11th of December Mr Archibald Simson, after five months of deprivation of his ministry and banishment to Aberdeen for his concern in the "Protestation" of the previous June, found it best to offer apologies and obtain restoration to his charge in Dalkeith (p. 288, n.). On the 25th of December the celebration of Christmas by the Bishops in their various dioceses seems to have come up to the mark of his Majesty's requirements,—Archbishop Spotswood turning his Edinburgh sermon that day into a discourse in defence of festival days and of his Majesty's Church policy generally, while Bishop Cowper, who preached in Holyrood Chapel, took care that the service there should be in full form (p. 206, n.). Then, on the 22nd of January 1618, that there might be no doubt that his Majesty meant to impose by his own prerogative at least that one of the new Articles which related to Festival Days, there came forth, by virtue of a warrant dated from Newmarket on the 14th of that month, the Privy Council proclamation which may be read at pp. 296–297. It enumerated these five as the Festival Days to be kept in future throughout Scotland,—(1) Christmas Day, "quhilk wes the day of the Birthe of Christ," (2) Good Friday, "quhilk wes the day of his Passioun," (3) Easter, or Pasch Day, "quhilk wes the day of his Resurrection," (4) Ascension Day, (5) Whitsunday; and it decreed that the lieges universally in future should abstain from all kinds of labour on those days, "to the effect "that thay may the better attend the holie exerciseis quhilkis "salbe appointit to be keept these dayis." For the concomitants

of this proclamation, and remarks on it, see the footnote at p. 297. Its practical effects were to be seen on the occurrence, one after another, of the four remaining festivals of the year,—to wit, Good Friday (3rd April), Easter Day (5th April), Ascension Day (14th May), and Whitsunday (24th May). For the amount and the kind of observance of those days rendered by the Scottish lieges generally, and more particularly in Edinburgh, see the footnotes at pp. 344, 348, and 361. It fell greatly short of what the proclamation had enjoined. The prelates and a number of their adherents among the inferior clergy conformed, of course, very studiously, and arranged the Church services of the days so as to give the laity an opportunity of conforming also; but only among the higher official lay personages, such as the Lords of the Privy Council and the Lords of Session, does there seem to have been a disposition to carry compliance to the extent of kneeling at the communion.

What was, perhaps, most noticeable as time went on was the winning over to the King's policy of a proportion of those among the inferior clergy who had till then been its staunch opponents. It was observed, for example, that Messrs Patrick Galloway and William Struthers of Edinburgh were now holding out but loosely, or were even signalling that they had changed their minds. This rise of a visible wave of opinion among the inferior clergy in favour of the Five Articles was largely owing, it was thought, to the fear of the pecuniary consequences of continued resistance. Not only had the Archbishops and Bishops been industriously plying among their clergy his Majesty's threat of a stoppage of stipends; but his Majesty himself had reinforced that kind of argument most effectively by an extension of its scope. Although one has not heard much till now of the proceedings of that Commission for the Plantation of Kirks whose main business was to be an augmentation of the stipends of the Scottish clergy collectively, the Commission was not defunct (p. 319, p. 326); but it was in the King's power to dissolve it if he chose. Had he not temptation now to dissolve it? Why extend a Church if it was the wrong kind of Church; why plan augmentations of the stipends

of a disobedient and stiff-necked clergy? So, it appears, the King had been reasoning; and it had needed all the exertions of Archbishop Spotswood to persuade his Majesty not to dissolve the Commission. See at pp. 354–355 the order of 13th May 1618, not only for continuing the Commission, but for spurring it into fresh activity; and see, in the subjoined footnote, Spotswood's explanation of the circumstances and reasons. The threat of a dissolution of the Commission, added to the threat of stoppage of the existing stipends of such ministers as should not conform, had been enough; and Spotswood was now able to assure his Majesty that, when he should try the Scottish clergy in General Assembly again, he would find them more pliant.

As if to tax the pliancy of the Scottish clergy to the utmost, it was at this very moment that there came upon them the staggering proof recorded in the footnote at p. 362 that his Majesty's anti-Puritan policy might require more ultimately from the Scots than an acceptance of Festival Days and the rest of the Five Articles. His Majesty, when passing through Lancashire on his return from Scotland in the preceding year, had been struck by the unusual proportion of Roman Catholics in the population of that county, and had ascertained, as he thought, that the cause was the excessive sombreness imparted to Protestant Church-order in that county by the morose discipline of the Puritan clergy who there chiefly represented Protestantism, and especially by their Sabbatic strictness. How could the Lancashire Roman Catholics be expected to turn Protestants when by so doing they would have to exchange their own easy and free Sundays for Sundays of Puritanic gloom? After meditation on this subject, and consultation with Bishop Neile, his Majesty had devised a remedy, as he thought, in the shape of an Edict or Declaration prescribing rules for the Church of England clergy in Lancashire. Though applicable to Lancashire only, it was in reality an anticipation of the subsequent more famous and more general "Book of Sports"; for it enacted that for the future the Lancashire lieges should not be debarred on Sundays or other sacred days from "dancing either of men

"or women, archery for men, leaping, vaulting, or any such "harmless recreations, nor from having of May-games, Whitsun-"ales, and Morris-dances, and the setting up of May-poles or "other sports therewith used, so as the same be had in due "and convenient time, without impediment or neglect of divine "service." If this Declaration caused some excitement throughout England, one can imagine what speculations the rumour of it, or imported copies of it, roused in Scotland. His Majesty had already, in his late progress in Scotland, made no secret of his personal anti-Sabbatarianism; but was anti-Sabbatarianism so essentially and radically part and parcel of his anti-Puritan policy that the anti-Puritanism he had been pushing upon Scotland hitherto merely in the shape of the Five Articles would necessarily, at some time or other, bring anti-Sabbatarianism in its train? In June 1618, if such a question as this had been articulately propounded to the Scottish clergy, it might have overtaxed their reported pliancy.

After due deliberation over Archbishop Spotswood's reports of the veering round of clerical opinion in Scotland in the desired direction, his Majesty resolved once more to venture on the experiment of a General Assembly. See at pp. 419–420 the proclamation of the 30th July 1618, in virtue of a royal letter of the 27th dated from Tottenham, calling an Assembly to meet at Perth on the 25th of the following month, and appointing Lords Scone, Binning, and Carnegie to be his Majesty's Commissioners in the Assembly, with five of the Privy Councillors as their assessors. Note especially that, both in the royal letter and in the proclamation, the Assembly is not styled as usual a "General Assembly," but "ane Nationall Assemblie"; and note also the included order that the Captain of the Guard and his horsemen should be in attendance on the Commissioners during the Assembly. Worth observing also is the fact that on the 31st of July, the very day after the issue of the proclamation, the Commission for the Plantation of Kirks came to an end (footnote, p. 425). The term for which it had been appointed by Parliament had expired; and it was thought unnecessary that its sittings should be prolonged. It had done all it could do in

the way of augmenting the stipends of the clergy, and otherwise adjusting the Church revenues; but Spotswood and Calderwood, who agree in nothing else, are at one in estimating what the Commission had done as worth next to nothing. Augmentation of ministers' stipends was not a work in which Scottish nobles or Scottish lairds found it their interest to be lavish.

The famous Perth Assembly met, as appointed, on the 25th of August 1618, and sat till the 27th. For a tolerably full and exact account of its composition and its proceedings, see the footnote at pp. 431–434. The Assembly, as is there explained, though answering fairly enough to the title of "ane Nationall Assembly" under which it had been called, was not a "General Assembly" in the regular and traditional sense, inasmuch as it did not consist exclusively of representatives regularly elected by the Church itself in its distributed local parts, or even of these in conjunction with the Archbishops and Bishops, but contained also a number of clerical members, with nobles, burgesses, and other lay members, directly nominated and sent in by the King himself, not to speak of the fact that many of the clerical members who appeared with commissions as duly elected members were in reality "selected" members, as having been returned by previous management on the part of the Bishops. What through these preliminary manipulations of the very stuff of the Assembly, and what in consequence of the resolute and dexterous conduct of the business of the Assembly after it did meet,—Archbishop Spotswood at once stepping into the chair as Moderator or President without election, and he and the Royal Commissioners working into each other's hands, and the Bishops and a few University doctors assuming the lead, and the inferior clergy thrust as much as possible into the background and ill accommodated even with standing-room, and the voice of his absent Majesty pealing in the Assembly all the while in the form of repeated and most solemn readings of a letter of mixed injunctions and threats which he had sent from Theobalds in the charge of the Dean of Westminster,—little wonder that the issue was a triumph for his Majesty at all points. At the last sitting on Thursday the 27th of August there was

a conclusive vote passing the Five Articles,—viz. Kneeling at the Communion, Liberty of Private Communion, Liberty of Private Baptism, Confirmation of Children by Bishops (called afterwards by the Presbyterians curtly and irreverently "Bishoping"), and Observation of the five sacred days of Christmas, Good Friday, Easter, Ascension Day, and Whitsunday,—together with an independent Act against simoniacal practices in obtaining livings, and another independent Act for bringing to completion the resolutions of the Aberdeen General Assembly of August 1616 for the preparation of a Scottish Liturgy or Book of Common Prayer and an authentic collection of the Canons of the Scottish Church. The vote, though large and decisive, was not unanimous; for there was a dissenting minority of 47 persons, one of them a nobleman, another a University doctor, and the remaining 45 parish ministers. Among these last were several of whose Presbyterian antecedents we have been made aware by previous mentions of them in this Register; but the name in the small company that now rivets attention most is that of a certain Mr Alexander Henderson, minister of Leuchars in Fifeshire. So he may be vaguely designated now, because hitherto he was not much known; but twenty years hence what a man he was to be in the history of Scotland!

King James was greatly pleased with his triumph. Not, however, till the 29th of September, a month after the triumph, did he formally intimate his satisfaction. This he did in a letter from Hampton Court to the Scottish Privy Council, signifying his approval and ratification of the Acts of the Perth Assembly, and ordering the same to be made public, so that the said Acts should "in all tyme heirefter have the strenth and force of lawis." The letter will be found embodied in the proclamation issued by the Privy Council on the 21st October, and printed at pp. 454-456. In this proclamation, which was to be published at the market-crosses of the chief burghs of the realm and all other proper places, the Seven Acts of the Perth Assembly,—viz. those appertaining to the Five Articles and the two additional Acts,—were cited and described individually, and charge was given to the lieges that "thay and everie ane of thame have a

"reverent and dewtifull respect and regaird to the observatioun "thairof," under pain of being "repute, haldin, and estemit "as seditious, factious, and unquiet personis, disturbairis of the "peace and quiet of the Kirk, contempnairis of his Majesteis "just and royall commandiement." Especially it was ordered, in connection with the Act establishing the five annual Festival Days, that there should be "a cessatioun and abstinence from all kynd of laboure and handiworke" on those days. Thus, from the 21st of October 1618, the Five Articles of Perth, as they now came to be called, were part of the law of the land in Scotland. By one of these, Christmas, Good Friday, Easter, Ascension Day, and Whitsunday were in all time coming to be regularly observed throughout Scotland as sacred days and Church festivals; by another the sacrament of the Lord's Supper was to be received by all communicants "humelie and reverentlie kneilling upoun thair knees"; by a third the communion might in certain cases be administered privately; by a fourth there might in certain cases be baptism in private houses; and by a fifth there was to be regular "catecheiseing of young "childrene of aucht yeiris of age and presenting thame to the "bischop to lay handis upoun thame and bless thame, with "prayer for incresce of thair knowledge and continewance of "Godis heavinlie grace with thame." Such were the Five Articles of Perth.

To many people now, with our free modern ideas, it may appear that the innovations in Scottish Kirk practice and ritual which King James had thus at last succeeded in carrying into law were innocent and unobjectionable enough, while to some, educated in definite ecclesiastical principles, they may appear nothing less than laudable and proper efforts on the King's part to introduce decorum and comely form where they were greatly needed, and to establish desirable Church conformity between Scotland and England. Not so did the bulk of the Scottish people feel and think. For them, in the first place, there was the previous question which of the two Church systems was intrinsically the better and the more Scriptural,—whether the native system of the Scottish Kirk, with its simple and unadorned

service, its small apparatus of forms in worship, and its stress always on the sermon or theological exposition as the function of real power connecting the clergy with the people, or that more ceremonious Anglican Church system, bringing worship into relief rather than creed, which King James sought to substitute. In proof that this question was not yet decided, they could point to the fact that it was still agitated within the Church of England itself, where the very contention of the English Puritans,—a large body already, and growing in strength every day,—was for such a reduction of symbolism and ceremonial in the English Church system as would bring it substantially into accord with what had been the Scottish Kirk-system hitherto. But, even if that previous question had been settled, and it had been voted that the new system was the superior, was there not another question? "I wear these gloves; but, perhaps, if an Alderman should command me, I should think much to do it," is one of the sayings of the learned Selden, as reported in his Table-Talk. The Scottish people can have hardly then heard of the learned Selden; but they did not need to have heard of him to act on his maxim. Innocent or not, unobjectionable or not, excellent or not, as the innovations of the Five Articles might be in themselves, were they to be forced on the Scottish nation by royal or any other command? The promulgation in 1618 of the "Five Articles of Perth" had, in fact, stirred a new commotion in Scotland, re-awakening the long dormant and apparently defunct controversy between Presbyterianism and Episcopacy, and occasioning a renewed conflict between Scotland and the Crown on that and other questions which was to last through all the rest of James's reign, and not to find its termination till the reign of Charles.

The most obnoxious of the Five Articles to the people generally were, of course, those which enjoined observation of the Five Festival Days and the kneeling posture in Communion. The other Articles might be objectionable too, but concerned the clergy most directly. Even so, it was to be expected that the opposition to the Five Articles would manifest itself but gradually. The first outbreak might have been looked for on Christmas

Day, 1618; but, on reference to the footnote at p. 490, it will be seen that the demonstration that day in Edinburgh consisted chiefly in non-attendance on the churches, so as to avoid the Christmas services which the Bishops and the conforming Edinburgh ministers had carefully prepared for the day. The Great Kirk, where the Provost and Magistrates sat, was not half filled, we learn on other authority, and dogs were playing on the floor of the Little Kirk from the sparseness of the congregation; besides which, one of the Edinburgh ministers, Mr John Hall, had, with all the other ministers of the Edinburgh Presbytery, refused to conform. Ten days afterwards, however, *i.e.* on the 5th of January 1619, in consequence of a sermon by the conforming Mr William Struthers vehemently in favour of the Five Articles, and full of furious invectives against his non-conforming brethren (p. 493, footnote), the indignation rose to a higher pitch; and from that day onwards there was a continual increase of the commotion in Edinburgh. It took the shape of a popular clamour against Mr Struthers, Mr Galloway, and the other conforming ministers for what was called their apostasy and subserviency; but a special object of attack, both by tongue and with pen, was also Mr William Cowper, Bishop of Galloway, who, as Dean of the Chapel Royal, had his permanent residence in the Canongate and the chief superintendence of the new ceremonies in their most ornate form. That poor Bishop, it would seem, was too sensitive to bear up against the storm; for he died in the midst of it on the 16th of February 1619, and was buried in Greyfriars Churchyard on the 18th, Archbishop Spotswood preaching his funeral sermon (p. 516, n.). Of course, Spotswood and the High Commission, and his Majesty himself, were meanwhile doing their best to battle with the storm and to overawe the prominent opponents of the Perth Articles. See, at p. 514, n., the proceedings against four Edinburgh burgesses and one Edinburgh reader for contempt of Christmas Day; see, at pp. 516-517, the royal warrant for confining Mr Robert Bruce more strictly to his house of Kinnaird, lest the voice of that stately Presbyterian divine, now for eighteen or nineteen years secluded and silenced, should again make itself heard; and see p. 533, n., for the

offence given by Mr Richard Dickson in having ostentatiously held a communion service in Edinburgh in the old fashion, and p. 541, n., for his deposition from the ministry and confinement to Dumbarton Castle on that account. All severities of the kind were in vain; and, as Easter Day approached, the oppugnancy to the new ritual became more and more stubborn and pronounced. See p. 549, n., and p. 552, n., for an account of the protracted disputation of John Mean and other Edinburgh citizens, both in general meeting and in kirk-session, with the conforming Messrs Struthers and Galloway, in anticipation of the coming Easter Sunday; and see, at p. 557, n., an account of the look of things in Edinburgh when that Sunday,—28th March 1619,—did come. The town churches almost deserted; the inhabitants streaming out in "hundreds and thousands" at the various ports to the adjacent kirks beyond the walls, where they could have service in the old form and could avoid kneeling at the communion; few of those who did remain and attend church complying with the hateful ceremony of kneeling, except the Privy Councillors and other high official persons! Nor was the excitement confined to Edinburgh. It had extended to Fifeshire and other parts. See p. 563, n., and p. 568, for the prosecution, before Archbishops Spotswood and Law and their colleagues in the High Commission, of Mr Thomas Hogg, minister of Dysart, and Mr Andrew Duncan, minister of Crail, for contumacious opposition to the Perth Articles, ending on the 22nd of April in the degradation of both from office, with the banishment of Mr Hogg to Orkney and the sequestration of Mr Duncan in Dundee. Edinburgh, however, remained the centre of the turmoil. Through a large part of May there was no afternoon service at all in the Little Kirk there, and Messrs Galloway and Struthers, environed still with obloquy and insults, were at the end of their wits (p. 579, n.). Pamphlets, too, were flying about in Scotland in condemnation of the ceremonies and their abettors. So serious had become the state of affairs that Spotswood had been called to Court, or had gone to Court, for special consultation with his Majesty. One result was the renewed proclamation of 1st June which may be read at pp. 579–581,

together with the royal letter from Greenwich authorising it. In the preamble to the proclamation, it is stated that, although the Acts of the General Assembly at Perth in August last had been so carefully considered, were so good in themselves, had been ratified by his Majesty, and had been enjoined on all his Scottish subjects by previous proclamation, yet "his Majestie is "informed that in divers congregationis of this kingdome thair "hes bene litill obedience gevin to the saidis actis, insofer as at "the tymes of the celebratioun of the Communioun thair this "present yeir certane undewtifull persones, oute of thair idill "consaitt and oppinionis, not only left their awne kirkis and "past to utheris kirkis, refuseing to communicatt according to "the comelie ordour prescryved be the said Assemblie, bot with "that thir same persones, or some utheris, moved with the "spirite of seditioun, hes oute of the malice of thair hairtis "wreittin and dispersit amongis his Majesteis subjectis certaine "infamous libellis, bookis, and pamphlettis alswele aganis thair "pastouris for thair obedience gevin to God and his Majestie [as] "directlie impugning the conclusionis of the said Assemblie, "doing thairby quhat in thame lyis to imprent in the hairtis of "the simple and ignorant multitude some sinister oppinioun of "the sinceritie of his Majesteis dispositioun in materis of religioun, "althoght his Majesteis princelie and tendir cair and regaird "to the propagatioun and advancement of the trew religioun "be more nor manifest, and quhairof no honest-hairted subject "will mak questioun or doubt." The present proclamation, therefore, again enjoins universal obedience to the Perth Articles, and threatens punishment to those who disobey them, and especially to those who write or circulate pamphlets impugning them. Among the culprits in this last respect, we now know, the chief was Mr David Calderwood. Although that sturdy relic and representative of old Scottish Presbyterianism had been under sentence of banishment from the British dominions since July 1618 (*ante*, p. lv), he had managed somehow to linger on in Scotland till now, sometimes skulking in a bookseller's house in Edinburgh, and at other times away at Cranstoun in Roxburghshire, where he had a secret prophet's chamber "appointed for him by

"my ladie Sara Cranstoun, who was manie wayes steadable to "him." No man, of course, more vehemently roused than he by the Perth Assembly and its Articles; and, besides what denunciation of them he could in his disabled condition disseminate personally, had he not prepared, and succeeded in privately printing, that book of his, entitled *The Perth Assembly*, which is now remembered as the most elaborate contemporary assault upon the Perth Articles, and the first, or all but the first, of the learned publications of Mr David Calderwood? See the footnotes at p. 585, p. 593, and p. 602, for glimpses of Calderwood in June 1619, when his book was already out, and of the futile search of the King's Guard for copies of it in the houses and shops of James Cathkin, Andro Hart, and other Edinburgh booksellers. By this time, it would appear, his Majesty, foiled and chagrined by the obstinacy of the collective opposition of the Edinburgh people and the rest of the Scottish community to the reception of the new ritual, was all the more bent on continued vengeance on individual offenders. Two clerical offenders who now experienced his wrath were Mr Peter Hewat or Ewart and Mr John Hall of Edinburgh, both of them because of their nonconformity, or their insufficient conformity in comparison with Messrs Struthers and Galloway, and Hewat for the additional reason that he had been under a cloud before (*ante*, p. li-lii). See at p. 596 the royal letter and Act of Council banishing these two clerical "firebrands." But his Majesty struck at still higher offenders. Had he not, just before last Easter Sunday, sent express letters requiring all the members of the Privy Council and all the Lords of Session to attend service in the regulated form that day and to partake of the communion kneeling? How had that order been obeyed? Chancellor Dunfermline and most of the Lords of Council had been present in St Giles's Church on that Sunday and had communicated kneeling; but some of the Councillors had been absent, as had also been Sir William Nisbet, Lord Provost of Edinburgh, whose objections to kneeling at the Communion had been insuperable. For the names of some of those absentees see again the footnote at p. 557; but now see also the two letters printed among the Miscellaneous Papers at

pp. 635–637. These letters, one dated the 26th and the other the 27th of March 1619, were from the Earl of Roxburgh and the Earl of Linlithgow respectively, each excusing himself beforehand, on the grounds of ill-health or necessary absence from town, for non-attendance with the rest of the Council on the coming 28th, but each testifying complete and hearty adhesion to the Perth Articles and to his Majesty's church-policy. Others of the absentees may have excused themselves as validly; but one had sent no excuse, and might now tremble. This was Sir James Skene of Curriehill, the son of the more famous Sir John Skene of the *Regiam Majestatem* and the successor of that lawyer both in the Council and on the Bench. At pp. 595–596, under date 17th June 1619, may be read the summons sent to Sir James by his Majesty's order to appear before the Council on the 22nd, and answer, under the pain of suspension from office, to the charge of having not only absented himself from the due service on Easter Day last, as his Majesty had commanded, but gone on that day to another kirk and communicated there without kneeling. On the 22nd Sir James did appear, and in the most humble and contrite manner tender his explanation and apology. He denied the charge of having gone to the Communion in another kirk on Easter forenoon, explaining that he had gone to no kirk at all that forenoon, but had remained in his own house, and that he had been punctually present with the other Councillors at the afternoon-service; and, as to his not having attended in the forenoon and partaken of the communion with the rest of the Council, that had been caused, as some of his legal colleagues could certify, by his having been detained in Court all Saturday afternoon, from two o'clock to six, in the onerous duty of examining witnesses, so as to have been obliged to miss the customary sermon of preparation that afternoon which would have put him in a fit state of mind for the solemn act of the Communion next day. See the entire document at pp. 598–600, with the appended note there suggesting that Sir James's explanation of his absence on the Sunday forenoon may have been more ingenious than truthful, inasmuch as the belief of some at the time was that he had been kept at home by his

wife and her mother, to prevent him from the fearful lapse. His colleagues of the Council, however, did the best they could for him; and the King was appeased for the time, though intimating that his satisfaction would not be complete till he had learnt that Sir James had on the first possible opportunity received the communion kneeling. An additional evidence of his Majesty's unflinching resolution in his Kirk-policy is furnished by the fact, mentioned in the footnote at p. 605, of the arrival in Edinburgh on the 29th of June 1619 of a royal order for reconstituting the Court of High Commission with ampler powers, and especially with powers to deal with non-conforming ministers and with the authors and publishers of pamphlets against the Perth Articles. This is the last notice of ecclesiastical matters in our present volume; and it is to be understood that, when the volume closes, the tempest over the Perth Assembly and its Articles was still raging in Scotland. Copies of Mr David Calderwood's *Perth Assembly* were going about; and the worthy Mr David himself was packing his small belongings for his compelled flight to the Continent.

It would be an omission to conclude this section of our Introduction without notice of one remarkable point of contrast between the contents of the present volume and those of the last in respect of matters of Church and Religion. A feature of last volume was the frequency of entries in it relating to the prosecutions of Roman Catholics. What a passion there was for such prosecutions by the Scottish government from 1613 to 1616 may be seen by reference to pp. xcvii–cii of that volume. In the present volume there is hardly a trace of this kind of activity. On the contrary, one is struck with the signs of a determination, or at least of a tendency, to cease from that kind of activity altogether. Observe, for example, how the Marquis of Huntly, the great potentate of the North, who had been recognised for so many years as the very head of the Roman Catholics of Scotland, and had undergone imprisonment and all varieties of persecution on that account, is readmitted in this volume to his place in the Privy Council and to all other dignities "whiche at ony time heirtofore he enjoyed or frome

"whiche by reasoun of his recusancie he hath hitherto bene "debarred." The royal warrant for this, dated 12th December 1616, may be read at p. 48, under date 27th February 1617; on which day the Marquis resumed his seat in Council, thenceforward to attend the Council meetings at his pleasure whenever he found it convenient to be in Edinburgh. That was not very often; but it mattered the less because his son, Lord Gordon, had been a member of the Council for about a year before and could also be present occasionally. The reason assigned by his Majesty for the rehabilitation of the Marquis was that he had "now gevin full satisfactioun in all materis concerning religioun;" but the phrase, though it must mean something, need not be interpreted very strictly in the case of a man who moved about over unmeasured leagues of Highland territory and was king among his Gordons. Nor need there be very strict interpretation of the similar phrase used in the document of 23rd April 1617, entered at pp. 104–105 and again at p. 613, whereby the Earl of Errol, the second in rank among the Scottish Roman Catholics, and the chief fellow-sufferer hitherto with the Marquis of Huntly for adhesion to the Old Faith, was relieved from all his disabilities and allowed to go about at will. That Roman Catholics of inferior rank shared the benefits of the change of policy which was thus conspicuously illustrated in the rehabilitation of the Marquis and the Earl may be inferred from the disappearance from the pages of the present volume of such searches after Roman Catholics and trials of Roman Catholics as were common in last. What can have been the reason? One cannot say for certain; but one remembers that the great project of the Spanish Match,—*i.e.* of the marriage of Prince Charles, the heir to the throne, with the Infanta of Spain,—was already in contemplation, and that harshness to Roman Catholics, whether in England or in Scotland, was hardly an advisable policy in that connexion.

III. THE BORDERS.

It is a liberty to use that name still; for, as previous volumes of the Register have shown, that old name had been abolished for all public purposes by his Majesty's express injunctions since his going into England, and the shires formerly known as the Borders had become, in all official documents, "The Middle Shires of Great Britain." The kingdoms of England and Scotland, however, being still distinct, the so-called Middle Shires of his Majesty's ideal "Great Britain" could not be treated constitutionally as one block, but were necessarily composed of two sets,—the Scottish Middle Shires and the English Middle Shires. The Scottish Middle Shires, formerly the Scottish Borders, were Berwickshire, Roxburghshire, Selkirkshire, Peeblesshire, and Dumfriesshire (with the Stewartries of Kirkcudbright and Annandale); the English Middle Shires, formerly the English Borders, included Northumberland, Cumberland, and Westmoreland, with portions of Co. Durham. The administration of each set of shires, for the Scottish and English governments respectively, was by a body of Commissioners holding courts, &c., within the shires; but the two bodies of Commissioners were in correspondence, and had occasional meetings in common for consultation or the settlement of disputed points. The Commissioners for the Scottish Middle Shires since 1613, and still in office when our present volume opens, were Lord Cranstoun, Sir Gideon Murray of Elibank, Sir Andrew Ker of Oxenhame, and Sir William Seyton of Kylesmure,—all then, except the last, members of the Privy Council, and generally or often, therefore, in Edinburgh, where Sir Gideon Murray, in particular, had constant duties in his ministerial capacity as Treasurer-Depute.

The first entries relating to the Borders in the present volume are those which will be found at pp. 11–12 and p. 14, under date 21st January 1617. From these it appears that there had been some recent "disordoris and thiftis" in the Border Shires, requiring new vigilance on the part of the Commissioners, and

also that, in consequence of Sir Gideon Murray's other employments, it was thought necessary to relieve him from the more active duties of his Commissionership. This was done by appointing Sir John Murray of Philiphaugh in his stead, with the full powers of the other Commissioners and the same salary, but still so that Sir Gideon should be retained on the Commission, with the right of sitting and voting at their meetings whenever he should find it convenient.

We hear scarcely anything more of the Borders in the Register till after the King's Visit. From that point, however, the entries relating to the Borders become noticeably numerous. The Middle Shires, it is evident, had then somehow flashed again into the notice both of the English government and the Scottish, and had begun to receive an amount of attention from both that had not been deemed necessary for a good many years past. Nor is it difficult to see how this had been occasioned. The subjugation and pacification of the once Borders between the two Kingdoms, with the conversion of the former rough-riding and cattle-raiding Scottish Borderers into the comparatively peaceful and orderly community now found in the Scottish Middle Shires, had been one of the most notable achievements of King James's reign. He was proud of that fact, regarding it as one of his titles to distinction with posterity; and it was on this account that he had invented the phrase "Middle Shires," and was so fond of using it. What more natural than that, in passing through those darling Middle Shires of his, in his Scottish visit of 1617, first on their eastern side when he entered Scotland by Berwickshire, and again on their western side when he returned to England by Dumfriesshire, he should look upon them with interest, and think whether anything more could be done for their improvement? Whatever meditations of the kind may have been in his mind while he was in Scotland, the results were not seen till after his departure. They were seen then abundantly enough.

It was on the 4th of August 1617 that the King left Scotland and re-entered England; and on the 20th there is a burst of no fewer than ten simultaneous minutes of the Privy Council in

Edinburgh relating to the Borders (pp. 215–219). The first records that Lord Crichton of Sanquhar, Lord Scott of Buccleugh, Lord Cranstoun, Sir John Ker of Jedburgh, Sir Andrew Ker of Oxenhame, James Douglas of Cavers, and John Murray of Lochmaben,—all of them conspicuous Border proprietors, and two of them on the Commission for the Borders,—had just made themselves responsible for the good conduct of all persons on their lands by giving bands to that effect, in conformity with a certain famous "General Band" of 1602 often mentioned already in this Register. There follow two similar bands for the Earl of Angus, as lord of Jedburgh Forest, the said Earl appearing by his bailies. Next come minutes of three petitions or desires of the Border landlords collectively,—(1) that such bands of responsibility for the behaviour of servants and tenants should not be exacted from Scottish Border landlords only, but from the English landlords as well, (2) that it should be made lawful, when Border thieves and other malefactors escaped to Ireland, to follow them thither, apprehend them, and bring them back for trial, (3) that landlords who had apprehended malefactors within their own bounds should have power not only to present them to the Commissioners for trial, but also to sit on the trial along with the Commissioners. This last point the Council reserve for his Majesty's own decision; but they proceed to an order of their own requiring all Border landlords, alike of the East, the Middle, and the West Marches, to appear on the 10th of September next and enter into bands similar to those taken by the landlords above-named. Then, by warrant of a royal letter dated from Broughton Castle on the 8th of August, they pass an Act authorising any one of the Border Commissioners individually, in the case of the apprehension of a notorious criminal, not to wait for the ordinary Justice Court-day in order to his trial by the full bench, but to form a Court for his trial at once, and execute the sentence. By another royal warrant, dated from Carlisle the 6th of August, they appoint Sir William Scott of Harden to be Lieutenant of the Border Garrison, or Mounted Police of the Borders, under Sir Andrew Ker of Oxenhame as Captain. Finally, there is registered for future use an official

copy of the famous General Band of 1602, with the attached names of about 130 Border landlords who in that year had signed (some of them by deputy, as unable to write themselves) the formidable obligation. These entries intimate not only that the administration of the Borders was again occupying attention, but also that it was deemed essential for continuance of good order in the Borders that there should be a renewal by the Border landlords of 1617 of the Band that had been signed by their predecessors of 1602. Accordingly, in a series of entries at pp. 225–228, under date 10th September 1617, and in stray subsequent entries at p. 153, p. 257, p. 270, p. 276, p. 283, and p. 407, there will be found a very interesting catalogue of those Border lairds of 1617, not a few scores in number, who appeared personally before the Council in Edinburgh and "actit and "oblist thame that thay and every one of thame *respective* sall "mak thair haill men, tennentis, and servandis dwelland upoun "thair landis, and suche as thay ar oblist to ansuer for be the "lawis of this realme and Actis of Parliament, ansuerable and "obedient to his Majestie and his lawis, and, yf ony complent "salbe maid upoun thair saidis men, tennentis, and servandis for "ony thift, reiff, fyre-rasing, slaughter, oppressioun, or other "cryme or ryott, that thay sall outher tak thame and punishe "thame yf thay haif jurisdictioun or then present thame to the "judge ordinair to abyde thair tryall, and, yf thay flee and "cannot be apprehendit nochtwithstanding all laughfull dili-"gence used to that effect, that thay sall mak restitutioun of the "goodis stollin or other harme done be thair saidis men, "tennentis, and servandis to the pairtie greved." Interjected among these entries is a copy, at pp. 228–229, of a letter from his Majesty, dated 1st September, giving his decision on three points of Border Administration that had been referred to him by the Council. He allows, under certain regulations, the pursuit of fugitive Border criminals into Ireland; he undertakes that English Border landlords shall be bound, as strictly as the Scottish Border landlords, to be answerable for their tenants; and he agrees with the Council in giving Border landlords power to apprehend "thair awne malefactoris," but prefers giving them

the power themselves to try such malefactors in flagrant cases to permitting them to sit on the bench with the Commissioners at the regular Justice Courts.

Larger measures, however, had been in contemplation. What these were appears at pp. 288–291, in the form of a communication from the Privy Council of England, consisting of a copy of certain new resolutions which had been adopted by that body, at his Majesty's instigation, for the more effective government of the English Middle Shires, with a letter to the Scottish Privy Council from Sir Thomas Lake, the English Secretary, stating that the copy of the resolutions had been sent by his Majesty's instructions, "because the executioun thairof doth concerne the subjectis of both realmes indifferently," and because his Majesty therefore desired that the same course should be adopted for the future government of the Scottish Middle Shires, "so far furth "as by the lawis and customes of Scotland the same may be "put in practise thair." To understand fully the new proposals, the entire document, consisting of sixteen numbered articles and six appended practical recommendations, must be read and studied. Enough to say here that what was proposed was nothing less than a recast in some points of the system of administration hitherto in use in the Middle Shires, and that one of the practical recommendations was that, for the better knitting of England and Scotland together at their common boundaries, and the more effective prevention of the escape of criminals from the one to the other, there should be instituted, all previous English statute to the contrary notwithstanding, a Conjunct Commission of both Kingdoms with supreme powers of police over those parts. The Scottish Privy Council, receiving this communication on the 8th of January 1618, naturally referred it first, for consideration and report, to the Scottish Border Commissioners,—viz. to Lord Cranstoun, Sir Gideon Murray, Sir Andrew Ker of Oxenhame, Sir William Seyton, and Sir John Murray of Philiphaugh,—the first three of whom, being personally present as Councillors, undertook that the report should be ready within three weeks. Meanwhile, his Majesty having given effect to the recommendation of his English Privy Council that he should institute the Conjunct

Commission, there arrived in Edinburgh, addressed to the Scottish Secretary Lord Binning, a copy of this Conjunct Commission as already drawn up under the Great Seal of England, all the names of the appointed Commissioners duly inserted in it, the accompanying request being that the Commission should be returned with the Great Seal of Scotland appended so as to make it finally good. Consequently, when, on the 17th of February, the Scottish Privy Council agreed upon the answers that should be given to the articles and resolutions of the English Privy Council, they had before them the copy of the Conjunct Commission as well. For their comments on both documents, to be sent to his Majesty privately in the first place, see pp. 313–317. Going over the articles and resolutions, one by one, they find all or most of them "verrie expedient," "verrie just," or "verrie reassonable and proffitable,"—pointing out, however, that some of them are unnecessary in Scotland, because Scotland already possesses the same or equivalents. They object most distinctly to the possible extension to Scotland of one suggestion of the English Privy Council with respect to the English Middle Shires. It had been suggested by the English Privy Councillors that the adoption of their proposals would enable his Majesty to discharge the body of horse which he had hitherto been maintaining, "to his great charge," in the north of England. Without challenging this opinion as it regarded England, the Scottish Privy Council point out that, as it has been the assiduity of the paid Commissioners of the Scottish Middle Shires and of the paid Horse Garrison at their instance that "hes brocht the lait Bordouris upoun this syd to greit quyetnes," so any assured continuance of the quietness could not be expected if, for a paltry saving, the Commissioners were discharged and the Garrison disbanded. This and all their other answers, however, they submit most respectfully to his Majesty's wisdom, promising that, "gif his Majestie wald have any thing to be reformeit in thame, "upoun significatioun of his Majesteis will and pleasour thairanent "the same salbe done." They are somewhat bolder in their observations on the copy of the Conjunct Commission that had been sent to them, though here also humbly craving pardon for

their presumption in troubling his Majesty with any observations whatsoever. In the first place, the Conjunct Commission has come to them without such warrant in the exact and customary form from his Majesty as would entitle them to append to it the Great Seal of Scotland; in the second place, this being an English document, the names of the English Commissioners had the precedence in it to those of the Scottish Commissioners to be associated with them, whereas in the Scottish duplicate which would be requisite the names of the Scottish Commissioners would come first; and, in the third place, among the English Commissioners named in the document "thair is tua for the "clergie on the Engleisch syde without ony of that rank for "this syde, althocht the Archiebischoppis of St Androis and "Glasgow hes mony possessionnes lyand more neir to our "Merches nor the opposit bischoppes nominat in the commis-"sioun produceit hes on the uther hand." They have ventured, therefore, to delay a little till they learn his Majesty's pleasure on those points; "quhairin," they say, "the dignitie and fredome "of this your Majesteis ancient kingdome may be interessit or "tuiched, and quhairin we dar not presum to be too rasche and "suddane to proceid without a goode warrand." They also send for consideration a draft duplicate of the Commission in its proper Scottish form, "aggreable in everie poynt and circum-"stance with the other commissioun, except in the ordour of "ranking."

His Majesty seems to have taken the observations in good part; for on the 4th of April he attended to them by sending from Whitehall a proper Scottish duplicate of the Commission, with a letter warranting the Privy Council to append the Great Seal of Scotland to it, and instructing them to retain the former copy of the English counterpart till they should receive a corrected copy with the Scottish names readjusted,—which corrected copy, bearing the Great Seal of England, they were to return with the Great Seal of Scotland added. See the letter, and the copy of the new Conjunct Commission, at pp. 344–348. These are the names of the Commissioners appointed:—

On the Scottish Side.

Archbishop of St Andrews; Archbishop of Glasgow; Marquis of Hamilton; Earl of Home; Earl of Roxburgh; Lord Sanquhar; Lord Herries; Lord Scott of Buccleuch; Lord Cranstoun; Sir Gideon Murray of Elibank; Sir Andrew Ker of Oxenhame; Robert Maxwell of Caerlaverock; Sir William Douglas of Drumlanrig; Sir [James] Murray of Cockpool; John Murray of Lochmaben; Sir [John] Charteris of Amisfeild; Sir William Grier of Lag; Sir Thomas Kirkpatrick of Closeburn; Sir William Seyton of Keirsmure [Kylesmure]; Sir John Murray of Philiphaugh; Sir John Ker of Jedburgh; [John] Douglas of Cavers; [John] Riddell, younger of that Ilk; [William] Douglas, younger of Bonjedburgh; Sir Robert Stewart of Shillinglaw; [Sir John] Home of Blackadder; Sir George Home of Manderston; [Sir John] Home of Huttonhall; [Sir William] Cockburn of Langtoun; Sir Patrick Chirnside of East Nisbet.

On the English Side.

Lord Sheffield (President of the North); Earl of Arundel and Surrey; Earl of Cumberland; Bishop of Durham; Bishop of Carlisle; Lord Clifford; Lord Howard of Warden; Lord Wharton; Justice Richard Hutton; Sir William Selby; Sir Ralph Grey; Sir Henry Widdrington; Sir John Fenwick; Sir Ralph Delaval; Sir James Bellingham; Sir George Selby; Sir John Dalston; Sir Wilfrid Lawson; Sir William Hutton; Sir George Dalston; Sir Richard St Foord (?); Sir Thomas Lamplough; Sir Henry Curvenie (?); Sir Henry Blencowe; Sir Christopher Dalston; Sir Timothy Whittingham; William Garnet, Esq.; Robert Cooper, Esq.; Christopher Philipson, Esq.[1]

To this large Commission, of whom *five* were to be a quorum, power was given to prevent or suppress all offences, disorders, and unlawful assemblies in the "countreis of Northumberland, "Westmoreland, and Cumberland, and in the schyres of or par- "roches of Norhame, the Holie Ysland, and Bedlingtoun, parsill "of the countrie pallintyne of Durhame, and in the schiref- "domes and boundis of Bervik, Roxburgh, Selkirk, Peiblis, "Drumfreis, and in the stewartreis of Kirkcudbricht and Annan- "derdaill," as also to apprehend malefactors within the said

[1] It may be noticed that there are but 29 names on the English side, while there are 30 on the Scottish. This is explained by the following sentence in the King's letter :—"The death of the Erle of Shrewburrie [Shrewsbury] hath occasioned the deleting of his name on the signatour herewith sent."

area, commit them to custody, and send them to the place or places within the said area where they could be properly tried. It may be observed that among the Commissioners on the Scottish side were the five persons who were already, and independently, Commissioners for the Scottish Middle Shires,—Lord Cranstoun, Sir Gideon Murray, Sir Andrew Ker, Sir William Seyton, and Sir John Murray of Philiphaugh. Now, as these five might form a quorum of the Conjunct Commission, and as any five on the English side might do the same, it may appear that the large machinery of the Conjunct Commission was either unnecessary or intended to supersede the separate and smaller Commissions heretofore in office on both sides of the Border. As the Conjunct Commission did *not* supersede the old paid Commission on the Scottish side,—the members of which are found continuing in office,—one has to conclude that the large Conjunct Commission was found necessary because its powers were to be more extensive and minute than those vested in the older and smaller Commissions, inasmuch as they would involve the use of those new methods for keeping order and preventing disorder which had been suggested by the English Privy Council in their Articles of the 21st of November last (*ante*, p. lxxx). Of this more presently; meanwhile, apart from the question of the need or utility of the Conjunct Commission, one can see how agreeable the institution of a body with such a name would be to King James. His passion was for a closer union of the two nations; and, though he had been baulked in that definite project of a union which he had propounded just after his accession to the throne of England, he had not ceased to keep alive the idea by whatever means he could. Even phrases were useful; and, now that people were accustomed to his phrase "The Middle Shires," why should he not try them with the more mouth-filling phrase "Conjunct Commission of the Middle Shires," especially as there would be an imposing reality to correspond?

One ragged end had been left. Among the Articles and suggestions of the English propounded by the English Privy Council in their document of November last for the better government of the Middle Shires, had been one, numbered 13,

making mention of an intention of his Majesty to appoint Special Commissioners for making out a list of "the most notorious leude personis and of thair faultes" within the English Middle Shires, so that, on certificate by these Commissioners, the worst of the notorious criminals might be sent "unto "Virginia, or to sum remote pairtes, to serve in the wearris or in "colloneis." The comment on this Article by the Scottish Privy Council, in their communication with his Majesty of the 17th February 1618 (*ante*, p. lxxxi), had been that, "sieing be the "lawis of this kingdome and Generall Band everie landislord "in the Middle Schyres is bundin to be ansuerabill for all theis "that duell on his land, the Counsell sees no necessitie that the "cours prescryveit in the xiij article be followit out heir." Virginia and all the other available colonies of that time being English, the Council probably disliked the idea of trusting even Scottish criminals to the tender mercies of English task-masters. But his Majesty, in thinking over the matter, had come to be of a different opinion. See, at pp. 353–354, his letter dated from Whitehall 6th May 1618. "We cannot omit to tell yow," he there says to the Scottish Privy Council, "that your judgment "seimes to us strang [strange] and unadvyseit. For, as it is "better that thair sould be no thift nor murdour, and generallie "that thair sould [be] no vyce, then that theives and murderairis "and other malefactoris sould be thairfoir punisched be the hand "of justeice, so the course prescryved be the said article (how-"soeuir held unnecessarie by yow) is the rather to be allowed "and imbraced, becaus the cheife intent and meaneing thairof "is to prevent the effect of suche leudnes and disordoris by "purgeing these pairtes of suche leude persones, as the verrie "caus and infectious seid of such corruptioun that being sufferrit "can produce no better fruittes nor these plaices have beine heir-"tofoir too fertile of. And, that the necessitie thairof may the "better appeir, we have thocht guid to remember yow of the "lyk instance in our course takin with the Clanegregoris "childrene." The order, therefore, was that the Council should pass the article. Of course they obeyed. See at pp. 358–359 their letter of reply of the 13th May. "With all dew respect

and regaird," they say, "we acknowledge your Majesteis most "juditious and singular judgment and do submitt our selffis "thairunto." They add some reasons, however, why they had hesitated. On consultation with the Commissioners of the Middle Shires, "whome this mater cheiflie concerneit," they had found that "oure Bordoures, praisit be God, ar reduced to that "obedience and quyetnes as all the landislordis hes undertaine to "be ansuerabill for thair awin men," so that there were "few or no personis at all" that could possibly need to be transported; besides which they could not but hint to his Majesty that, if this threat of transportation had hung over the heads of those Scottish Borderers who, before his Majesty's going to England, were "in danger of the lawes for auld deidis," but had since been peaceable, they might have preferred standing out as incorrigible fugitives and outlaws to abiding such a hazard.

On the same day on which the Scottish Privy Council sent this reply to his Majesty the authentic English copy of the Conjunct Commission arrived in Edinburgh, and direction was given to append to it the Great Seal of Scotland (p. 360). All formalities thus over, the business was concluded, and the new rules for the administration of the Middle Shires are to be imagined as coming into operation. Pass, however, to pp. 425–426, where there is registration of a royal letter, dated 13th August 1618, showing that his Majesty did not think that even then the new rules for the Middle Shires had received sufficient publicity. The letter requires the Council "to cause extract the "severall headis of all the said constitutionis, proclamatiounis, "and ordouris, to cause imprint the same, and affix a copie "thairof on the mercat croces of eache burgh towne in the saidis "schyiris," and also to "injoyne everie gentilman and friehalder "in the saidis schyres to have a copie of the saidis ordoures "oppinlie affixed in his hous, to the intent that such as can reid "may know them, and suche as can not may learne thame of "otheris." This must have been done within the next month; for at pp. 440–447, under date 9th September, will be found a complete digest of all the new rules as they were to go forth to the public. Substantially it reproduces the Articles that had

been sketched out by the English Privy Council ten months before, and which had been the basis of the subsequent correspondence between the Scottish Privy Council and his Majesty; but these articles appear now in much expanded form and with the modifications and explanations that had been judged necessary. Hence, while comparison with the previous document at pp. 288–291 may be useful, it is this document at pp. 440–447 that ought to be read as exhibiting in final perfection the revised code of rules to which the Scottish Middle Shires were to be subject from 1618 onwards. Most of the rules are either mere re-enactments of former Border ordinances or mere regulations in detail for judicial procedure; but some clauses merit particular notice. For example, because "the greit and unnecessar number "of oistler housis keipit within the boundis of the Middle "Schyres is ane of the cheiff causes that procures the disordoures "and insolenceis so frequentlie occurring within the same, in so far "as, disordourit and idill persones haveing thair ordinarie meit-"tingis in thir oistler housis, they spend the tyme thair in "dyceing, cairting [card-playing], and utheris exerceissis, and "do consult upoun the meanis to prosecute all thair wicked "pretensis," therefore it is to be one of the functions of the Commissioners to reduce the number of such hostelries or public-houses, and to see that the keepers of such are persons of good character, who will not "suffer any dyceing nor cairting to be "in thair housis, nor no excessive drinking, bot in moderat sorte "and at seassonable houres." Another rule orders the deportation into Ireland of the wives and children of all criminals who have been banished to that island or have voluntarily fled thither. There are special regulations for the sale of cattle. One of them is that the sale shall be "in oppin fair and mercat," and another that, for prevention and better discovery of cattle-stealing, "no beeff nor scheip be brocht to be sauld in "ony fair or mercatt by ony boutcher or uther persone without "the hyde nor without the skyne hanging on the carkeis." The delicate matter of the transportation of irreclaimable vagabonds to distant parts receives due attention in two paragraphs. One of these entrusts the business of making "a survey and searche"

for such "idill personnes and vagaboundis" throughout the Shires, and of resolving "upoun sum cours how they may be send "out of the countrey to some remote pairtes to serve in the waires or in coloneis"; and the other nominates the members of this Special Commission,—a Sub-Committee, as it may be called, of the Scottish half of the Conjunct Commission, but the members of this Sub-Committee not to act in their particular business over the whole area of the Scottish Middle Shires, but only in the portions of it with which they are assumed to be most familiar. See the list of names at pp. 445–446. In connexion with these paragraphs one has to read the separate paragraph at pp. 446–447, which comes as an appendix or tailpiece to the whole document. It enumerates by name the 32 Border fugitives or outlaws known to be still living and within the bounds of Scotland with whom, on already existing evidence that they belonged to the class of incorrigibles, the Transportation Sub-Committee, if it could catch them, might think it worth while to make a beginning. It is not without some stir of feeling that one looks even now at the names of those thirty-two poor wretches who could be registered in 1618 as the last and worst of the old Border blackguards. Where are their graves?

The latest note-worthy mentions of the Middle Shires in this volume are at p. 506 and pp. 546–547. The first, which is of date 2nd February 1619, reverts to the delicate business of the transportation of the incorrigible vagabonds. The conclusion on that point, it appears, had been found too hasty; and the Privy Council now instruct the Commissioners of the Middle Shires (not the Conjunct Commission, but the old Scottish Commission) to intimate to the Transportation Sub-Committee "that "in the executioun of that peece of service concredit unto thame "they use the advyce and opinioun of the Lordis of his Majesteis "Previe Counsall." The other entry, which is dated the 18th of March 1619, merely re-enacts one of the Articles of the Collective Code of Border Ordinances put forth in the preceding September. By that Article (see it at pp. 443–444) there had been confirmation of a former Act forbidding the use of any

kind of armour or weapons by any of the inhabitants of East and West Teviotdale, Liddisdale, Eskdale, Ewisdale, and Annandale, noblemen and gentlemen of approved loyalty excepted, and also forbidding them the use of any horses other than "meane naigis" worth £30 or less. Lately, however, as the Privy Council had been informed, "some of the brokin clannis within "the saidis boundis, taking hold of certane bruittis and rumouris "going athorte the countrey of forreyne preparatiounis, ar begun "to buy horsis and armour, not of purpois nor intentioun to use "the same for the weall and defence of the countrey, bot accord-"ing to thair wonted maner to brek louse upoun everie lycht "occasioun, and to renew thair accustomeat forme of leiveing in "thift, reiff, and oppressioun, and sua to do quhat in thame lyis "to disturb the peace of the Middleschyris, quhilkis by his "Majesteis singular cair and most prudent governament hes "bene thir mony yeiris satled in a perfyte obedience." Command is therefore given to Sir Andrew Ker of Oxenhame, as Captain of the Border police-garrison, and to Sir William Scott of Harden, as his lieutenant, to search dwelling-houses within the said bounds, seize all armour and all horses worth over £30, and otherwise see to the strict observance of the disarming ordinance. Evidently his Majesty was resolved that there should be prompt dealing with every symptom of relapse of the Scottish Borderers into the condition from which he had succeeded in extricating them.

IV. THE HIGHLANDS AND ISLANDS.

In the present Volume there is no such coherent story of the Highlands and Islands through the time included as there is of the Borders through the same time. The suppression by the Earl of Argyle of the great insurrection of Sir James Macdonald and his followers in 1615, and consequently of the general Macdonald commotion which had been disturbing the Western Islands for a year previously (*ante*, vol. x., pp. xxxvi–lix), had left the Celtic parts of Scotland incapable of any renewed

show of collective disaffection. What of Highland history the volume does contain consists, therefore, but of scattered notices of individual persons and events within the Highlands or connected with the Highlands.

As a relic of the Macdonald Rebellion may be noted the Act at p. 29, dated 6th February 1617, in favour of Margaret Macdonald, the sister of the exiled Sir James, forgiving her for having been with him in Kintyre, and relieving her, in consideration of her distressed circumstances, from the proscription passed upon his kin and associates. We are again reminded of the Macdonald Rebellion by the entries at p. 293, pp. 403–404, p. 456, and p. 460, relating to the MacRonalds of Gargavach, father and son, so conspicuous for their adhesion to the arch-rebel Sir James. The second of these entries shows that as late as July 1618 both the MacRonalds were still lurking in the Highlands, while the last two show that before the 21st of October 1618 the elder had escaped to the Continent, leaving the younger still in the Highlands, and then definable as the one only "lymmair" still standing out there against his Majesty's authority. A still later reminder of the Macdonald Rebellion is the entry at p. 590 recording the grant of a safe-conduct to Coll MacGillespic on the 8th of June 1619 for his coming to Edinburgh and going home again,—that most famous of all the partisans of Sir James having, the entry says, "resolueit to "become ane obedient and dewtifull subject to our Soverane "Lord," and desiring to testify the same by appearing before the Privy Council. From what we saw of Coll's last action in Islay (vol. x., p. lii) this was to be anticipated. His pardon, if not already formally guaranteed, had been a foregone conclusion in 1615 by arrangement with the Earl of Argyle.

Disorder in the Highlands here and there in the form of casual slaughters, cattle-liftings, and other crimes, was, of course, still plentiful enough. No need to give instances of these. Among instances of disorder on a larger scale the most notable perhaps is the continuance in Lochaber and the parts thereabouts of that "rebellion" of Cameron of Lochiel, *alias* Allan M'Eanduy, the origin and first incidents of which have been sketched in

our last volume (see *ante*, vol. x., pp. xxxiv–xxxvi). Though not of the dimensions of the rebellion under Sir James Macdonald, it had been a troublesome affair for some years already, and had figured in public documents properly enough as a "rebellion" in the minor sense,—*i.e.* in the sense of organised resistance to the central authority. For the story of its continuance and of the continued dealings with it by the government, see pp. 148–149, pp. 204–205, pp. 207–208, pp. 456–457, pp. 478–480, and p. 487. From these entries it appears that the Scottish government, in accordance with its usual method of dealing with any such "rebellion,"—which was that of giving commission of fire and sword for its suppression to some powerful nobleman or laird, or some combination of noblemen and lairds, interested in the matter by neighbourhood or by previous antagonism to the rebel clan and its chief,—had depended hitherto for action against Lochiel and his Camerons chiefly upon the Marquis of Huntly, his son Lord Gordon, and the power of the Gordons generally, but had been led latterly, after thinking of other agencies, to entrust the service to Lauchlan Mackintosh of Dunnauchtan, styled the Laird of Mackintosh, and heritable Steward of Lochaber. It further appears that the Gordons were by no means satisfied with this transference of the service and its advantages to the Laird of Mackintosh, and that, in consequence of representations to the Privy Council that Mackintosh had mismanaged the service or overstretched his powers in it, and also that he had caused an armed tumult and battle at the ford of Culloden in opposition to Lord Gordon's right to dues from the lands of Inverness, the original business of Cameron of Lochiel and his rebellion passed into the quite different business of a violent controversy between Mackintosh and Lord Gordon. How ill it fared with Mackintosh eventually in this controversy may be seen from entries at p. 559, p. 571, and p. 585. Meanwhile, so far as one can see, the "auld subtile fox," Lochiel himself, managed to keep his lair in Lochaber, no worse off at the end of our volume than he had been at the beginning.——As next in importance to the continuance of the disorder in Lochaber may

be noted the outbreak early in 1619 of new trouble in the Lennox district in the form of deadly feud between the Buchanans and the Macfarlanes, involving Colquhouns, Macaulays, Drummonds, Grahams, and others. It is the theme of entries at p. 550, pp. 552–555, and p. 564. Perhaps in no other country in Europe could there have been an enumeration of so many persons of the same name or pair of names living in one locality as the second of these entries gives us of Buchanans and Macfarlanes all nestling together and tearing at each other's throats in March 1619 near "the bonny, bonny banks o' Loch-lomond."——Should the reader be in quest of some other instances of Highland lawlessness in 1617–1619 passing the bounds of ordinary individual criminality, he may be referred to p. 200, where a very bad character is given of Donald Neilson of Assynt and of his past conduct in that district, to p. 409, where commission is given to Lord Fraser of Lovat for action against the invasion of his territory by "a nomber of the vagaboundis and brokin men" of the Clan Donachie and other clans, and to pp. 466–467, where commission is given to the Earl of Menteith for the apprehension and trial of a certain Dougall Grahame, who, "haveing schaikin af all feir of God, reverence of the law, and "regaird of honnestie and these commoun dewteis of civile "conversatioun quhilkis becometh a man of his birth and "parentage," has become a public nuisance, and "gois athorte "the cuntrey of Menteith as a brokin man, airmed with hagbutis, "pistolletis, and other airmour, and in all pairtes quhair he may "be maister not onlie soirnis and oppressis our guid subjectis, "bot filthilie deflores honnest menis wyffis, dochteris, and "servandis, lyis at await in hie wayes and passageis, and spoyllis "and robbis suche passingeris as he may overtak." Add the entry at p. 600, where there is notice, in the shape of a charge to the Earl of Caithness and Donald Mackay of Strathnaver, of a proposed hostile inroad into the domains of their common feudal enemy the Earl of Sutherland in the guise of a carefully arranged hunting-match. Respecting this Mackay of Strathnaver, *alias* Mackay of Farr, it may be mentioned by-the-bye, there are interesting previous entries at pp. 2 3, pp 23–24, and p. 28.

They tell the story of a serious domestic quarrel between him and his wife, of his wife's suit to the Privy Council for redress, and of the pains taken by the Council to do justice in the matter.

For maintaining order in the more remote parts of the Highlands the chief dependence of the government since 1609, the reader may be reminded, was the hold which it had then established by the Band and Statutes of Icolmkill upon the nine great Island and West Coast chiefs,—MacLeod of Harris, Donald Gorme of Sleat, MacKinnon of Strathordell, MacQuharrie of Ulva, MacLean of Duart, MacLean of Coll, MacLean of Lochbuy, Macdonald of Islay, and Macdonald of Ylantyrum, Captain of Clanranald. By the strict obligations imposed upon those chiefs for good and regular rule in the Gaelic regions where they severally held sway, enforced as these were by the peril of forfeiture of their estates in case of transgression, and especially by the rule that they should come to Edinburgh periodically, or when required, to appear before the Privy Council and give an account of themselves and renew their securities, the Government had for the last seven or eight years maintained a grasp on the Western Islands and the adjacent shores of the Gaelic mainland far stronger and firmer than had been known in any previous reign. There was no slackening of the grasp even yet. The effects of the famous Paction of Icolmkill follow us into the present volume. There was no Macdonald of Islay now, indeed, in the list of the enthralled chiefs,—that little dynasty having gone down among the wrecks of the late Macdonald Rebellion, and Islay having passed into the charge of Campbell of Caddell (of whose difficulties there a glimpse will be found in a letter of his among the Miscellaneous Papers, pp. 624–625); but of most of the other original nine Icolmkill chiefs, or of their successors, there are registered traces. We hear first, and most pathetically, of Hector MacLean of Duart. This poor gentlemen, as we saw in last volume (pp. 776–777), had got so hopelessly into arrears with dues to his Majesty and with other debts that, instead of being allowed, on his last appearance before the Privy Council, to go back to his own castle of Duart in Mull, and reside there, he had been

committed to custody in the Castle of Edinburgh. His father-in-law, Acheson of Gosford, had tried to obtain his release thence by offering to receive him at Gosford and be responsible for his reappearance when required (*ante*, vol. x., pp. 780–781); but the effort must have been unsuccessful, for at pp. 38–39 of the present volume, dated 18th February 1617, he is found still a prisoner in the Castle. There had been rumours that sums of money had been brought to him by servants of his; and the Privy Council, having investigated those rumours, and concluded that he was spending unnecessarily in the Castle "that quhairwith he sould pay his Majesteis dewyteis and his awne," thought it unfit that the management of his estates and their revenues should remain in his own hands, and ordered him to give a commission of factory of the same to Sir Rory MacLeod of Harris and Lauchlan MacLean of Coll. At pp. 73–75, under date 22nd March 1617, there is further evidence that MacLean was regarded as incapacitated for the duties of his lairdship; for on that day his brother Lauchlan MacLean (not Lauchlan MacLean of Coll) appears before the Council and becomes his substitute in these duties, undertaking in his stead all and every one of the obligations imposed upon the head of the house of Duart by the Band of Icolmkill. This arrangement must have been thought unsatisfactory; for at pp. 85–86, under date 3rd April 1617, it is found that there has been "ane infeftment "and otheris securyties, rightis, and titles of the landis and ilis "of Mull, Morverne, and Terey, whilkis formarlie pertenit to "Hectour M'Clayne of Dowart, unto Rorye M'Kanyee of "Cogaiche and his airis," and it is to this Rory Mackenzie of Coigach, the acting head of the astute and acquisitive Clan Mackenzie, that the King and Council now entrust the charge of the territory of the superseded chief. As the task of reclaiming the inhabitants "fra these barbarous, rude, incivile, and godles formes whairin thay haif levit thir mony yeiris bigane" is likely to be a hard one, a commission of justiciary, with very full powers over all the territories mentioned, is granted to the said Mackenzie. That Lauchlan MacLean, however, was not thus rid entirely of his responsibility for his brother Hector may be

inferred from a brief subsequent entry at p. 202. The next two entries relating to the chiefs of the Icolmkill Band are at p. 306, under date 5th February 1618, and do not concern MacLean of Duart. One registers the appearance that day before the Council of Sir Rory MacLeod of Harris and caution given by him in 10,000 merks for the appearance on the 10th of July next of "Johnne M'Donald V°Allane V°Eane of Ylantyrum, Capitane of the Clanrannald," and for the good behaviour of the said John Macdonald meanwhile. The Donald Macdonald of Ylantyrum, Captain of Clanranald, who had been one of the original chiefs of the Icolmkill Paction, was, it thus appears, now dead; and this was his son and successor. On the same day the same MacLeod of Harris is conjoined with MacLean of Coll in a caution for a clansman of the latter. Passing to p. 310, we have a glimpse under date 12th February 1618, of yet another of the Icolmkill group of chiefs. On that day Donald Gorme of Sleat was before the Council giving caution in 3000 merks for the appearance and good behaviour of a Ranald M°Allane, brother of the late Captain of Clanranald, and uncle, it would seem, of the present Captain. Little more than a month later, we hear at p. 331 of the same Donald Gorme of Sleat, styled now Sir Donald Macdonald, in association with his fellow-knight, Sir Rory MacLeod of Harris or Dunveggan, the Council having seen fit to indulge both knights with a prorogation for one month of the stipulated time of their appearance in Edinburgh to report themselves.——The unfortunate of the Icolmkill group, however, was still Hector MacLean of Duart. See at p. 382, under date 11th June 1618, the complaint of Rory Mackenzie of Coigach in his capacity as substitute for the said Laird of Duart by infeftment in his lands. The infeftment had been by way of recompense to him for having, "oute of his tendir respect and regaird" to the said Hector "and to the standing of his house," taken upon him the burden of a great number of the said Hector's debts; and now he found himself greatly impeded in the charge which the infeftment had imposed upon him, as manager of the said Hector's estates and successor to his responsibilities, by the refusal of a number of the said Hector's principal kinsmen and clansmen,

whom he names individually, to give him the least countenance or assistance in his superintendence of the clan. He claims redress in this matter from the Council; and, as the defenders do not appear to answer to the complaint, they are denounced rebels. That Mackenzie was not complaining without some reason appears at p. 405, in the shape of a suit against him by Walter Stewart, son of the late William Stewart, Constable of Dumbarton Castle, for repayment of 1000 merks due to the said William Stewart by Hector MacLean of Duart "for his inter-"tenyment and furnissing during the tyme of his imprisone-"ment within the Castell." The wording of the entry, which is dated 9th July 1618, shows that the poor Laird of Duart, though then at liberty, had for some time previously been a prisoner in Dumbarton Castle; and the plea of the pursuer is that, as "now "the said Hectour hes nothing bot that quhilk the said Sir Rorye "bestowis upoun him," and as the said Sir Rory is infeft in the said Hector's lands and has "full intromissioun" with their revenues, the said Sir Rory ought to be answerable for the 1000 merks. The Council do not take this view of the subject, and dismiss the claim. This is, I think, the last mention of MacLean of Duart in the volume.——A later mention of MacLean of Coll will be found at p. 410, where that laird is excused by the Council, on account of his ill health, from appearing before them on the day fixed by his band of obedience. At p. 413, however, his namesake, MacLean of Lochbuy, is found appearing, together with Sir Lauchlan MacKinnon of Strathordell, on the 23rd of July, each exhibiting one of his uncles in compliance with obligation to that effect; and on the same day there was extension of time till the 10th of the following November for the appearance of the new Captain of Clanranald, alias Macdonald of Ylantyrum, and his above-mentioned uncle Ronald. When the 10th of November came the young chief of Clanranald, as we find at p. 463, was not there, and for the very good reason that, had he been there, he would have had to meet a formidable complaint against him by Mr Donald Campbell of Parbreck. The complaint was that the young Clanranald, having meditated an invasion about Whitsunday last of the lands of

Sunart and Ardnamurchan, in order to dispossess Mr Campbell, the legal proprietor of those lands, and having been warned to refrain from such conduct and to prosecute any claims he had to the lands by regular course of law, had nevertheless, on the 27th, 28th, and 29th of last May, collected about 200 of his clansmen, and sent them, fully armed, and with "grite pypis blowing afore thame," into the said lands, where they had assaulted complainer's tenants, plundered houses, &c. It is urged by the complainer as an aggravation of the outrage that, from the tender years of the young chief, nothing of the sort had been expected. One can see, in fact, that the young chief had not yet learnt to submit so easily as his father had done to the curb of the old Icolmkill Band and Statutes of 1609, and required to be reminded of that curb rather sharply. The Council were of that opinion, for their decree in the case was that young Clanranald, and about twenty of his clansmen named as having been active in the outrage, should be summoned, by proclamation at two parish-kirks and at the cross of Inverness, to surrender themselves to custody in the Edinburgh Tolbooth. The decree seems to have answered its purpose; for, at p. 490 and p. 492, we learn that young Clanranald and his uncle Ranald appeared personally before the Council in Edinburgh and made their peace. This they did by becoming bound, severally and as cautioners for each other, the young chief in 6000 merks and his uncle in 3000 merks, to appear again on the 10th of July 1619, and meanwhile to be on their good behaviour. The young chief, one learns from the entry, was not yet of full age. As far as one can see, he alone of the residuary chieftains of the Icolmkill group had tried to throw off the yoke of the Icolmkill Band, and the procedure with him in consequence is one proof more, in addition to those already given in this paragraph, that through the period of the present volume the King and Council still valued that Band, the device of Bishop Andrew Knox in 1609, and found it efficacious.

What of the Macgregors all this while? The MacLeans in their several branches, the MacLeods in their several branches, and the Macdonalds in their still more numerous branches and over their wider area, had been troublesome enough heretofore, and might still

need attention from the Government; but what clan hitherto had so exercised King James as the comparatively small inland clan of the Macgregors? Is there nothing to report of this clan between 1616 and 1619? Nothing more than that it had been so effectively dealt with through the preceding thirteen years, so chased, and starved, and hanged, and drowned, and banished, and branded, and so variously mauled and massacred, that it was no longer recognised as in existence! Detestation of this clan in particular had been a ruling sentiment with King James; the absolute extirpation of this clan, and of its very name, had been his avowed intention and a fixed idea of his Scottish policy since he left Scotland for England. He had succeeded, or he thought he had; and hence, when he came back to Scotland on his visit of 1617, there were no more Macgregors there to offend him visibly, and all that remained for him to do was to take credit for that fact and proclaim the extinction of the Clan Gregor as one of his own most honourable achievements. This he did by causing the Edinburgh Parliament of June 1617, in which he sat in person, to pass the Act, entitled, "Act anent the Clan Gregour," which stands as No. 26 of the sixty-two Acts passed by that Parliament. See an abstract of it in the footnote at p. 164. It recited the various former Acts against the Macgregors since 1603, concluding with the Act of 1613 which had abolished the name of Macgregor and had made it death for any of the clan or their posterity to resume the name, or to meet under changed names in parties of more than four at a time, anywhere over Scotland. The present Act of 1617 re-enacted this prohibition, and was meant to close for ever the memory of the Macgregors in Scottish History. Little wonder, therefore, that in the records of the Privy Council through this volume the name Macgregor all but disappears. Here and there, indeed, *e.g.* at pp. 326–327, p. 371, and p. 377, a defunct Macgregor, or some one still living who had once been a Macgregor, comes into notice in some connexion or other. It is as if we were reminded that the clan was extinct only nominally, and that atoms of the old Macgregor substance still existed in a dispersed state through Scottish society, conscious of their original under whatever com-

pelled disguise, and sure to collect themselves again. Somewhere in the Highlands, for example, among the braes of Balquhidder or thereabouts, must there not have been living, in some rough kind of hut, while King James still reigned, the great-grandparents—a pious and God-fearing couple they must surely have been!—of the future Rob Roy?

By far the most important incident of Highland history, however, through the time included in this volume was the fall of the Earl of Argyle:—This great nobleman, whose career in Scottish politics dates from 1594, when he had, in his first youth, fought and lost the battle of Glenlivet against the Popish rising of the Earl of Huntly, and who since the King's removal to England had been especially conspicuous as his Majesty's justiciary and plenipotentiary on the Gaelic coast of Scotland, and his hammer of the poor Macgregors, had in 1610, as the reader may remember, married for his second wife Anna Cornwallis, daughter of the English Sir William Cornwallis. Since then he had lived much in England, coming to Scotland only at intervals, for a month or two at a time, to look after his estates or to execute some public commission entrusted to him by his Majesty. His last commission of the kind had been his Lieutenancy for the King in the great service of the suppression of the West Highland Rebellion of Sir James Macdonald. Having been successful in that business after four months or so passed in Scotland (see *ante*, vol. x., pp. xlix–lv), he had returned to England late in December 1615 or early in January 1616. For more than a year afterwards he does not seem to have been in Scotland again, but to have left his Argyleshire affairs to be managed for him in his absence by his brother Campbell of Lundy and other agents. At p. 22 of the present volume there is an entry suggesting, though somewhat dubiously, that he may have been in Scotland in January 1617. Necessarily, however, the King's Visit to Scotland in that year brought him back. The great Earl of Argyle could not be absent on such an occasion. Accordingly, though he is not mentioned as one of those who were in personal attendance on his Majesty when his Majesty entered Scotland on the 13th of May 1617 (footnote, p. 126), he is found in his place in the Scottish Privy Council in Edinburgh on the 5th of June

following (p. 144), and regularly in his place in all the subsequent meetings of the same body while his Majesty remained in Edinburgh,—that Sunday meeting at Holyroodhouse included at which, his Majesty presiding personally, the English Earls of Arundel and Pembroke and the English Lord Zouch and Sir Thomas Lake were admitted of the Council (p. 163). Nor was it for nothing that the Earl of Argyle was thus in his Majesty's company during the Scottish Visit. A great event of the Visit was the meeting in the Edinburgh Tolbooth of the Scottish Parliament which sat from the 17th to the 28th of June; at this meeting of the Parliament Argyle was present in state among the other Scottish Earls (footnote, p. 156); he was one of the Lords of the Articles elected to frame the Bills that were to be passed (*ibid.*); and among the Bills which he assisted in passing, and which were carried on the 28th, was one affecting himself. Powerful man though he was, and in the height of prosperity though he seemed to be, he had for some time, as we saw in last volume, and as is again evidenced in the present by a casual entry at p. 69, been in greatly embarrassed circumstances, owing debts to many people, and more particularly to a number of the Campbell lairds, his kinsmen. Now, as long ago as 1607, there had been a draft infeftment in his favour of the lands of the long peninsula of Kintyre, together with the Isle of Jura, said lands to be annexed to his extensive previous possessions as a special new lordship under the name of the Lordship of Kintyre. The transaction had, for some reason or another, never been completed; but what more appropriate reward for his recent exertions in suppressing the Macdonald Insurrection, much of the action of which had been in Kintyre, than that the infeftment should be completed now? Hence, among the Acts of the Scottish Parliament held during the King's visit, one entitled "Ratificatioun to the Erle of Argyill." See an abstract of it in the footnote at pp. 164-165. Points in the Act worth attention now are these,—(1) that the Lordship of Kintyre was not to descend to the Earl's main heir, Archibald Campbell, Lord Lorne, his son by his first wife, Lady Anne Douglas, daughter of the 1st Earl of Morton, but to James Campbell, then a mere child, his son by his second or English wife, Dame Anna Cornwallis, now Countess

of Argyle, (2) that it was specially provided that the new lordship should be burdened with whatever debts were owing by the Earl to "his honorable freindis" Colin Campbell of Lundy, Sir John Campbell of Cadell, Sir James Campbell of Lawers, and other named creditors. However burdened, the gift was a sign of his Majesty's appreciation of the Earl's late services, and was, no doubt, very acceptable. The Earl, accordingly, is found in grateful attendance at the Council board in Edinburgh after the Parliament rose (p. 172, p. 179, p. 182, p. 187, p. 188), and on his Majesty personally to the very close of his visit. He was one of the Councillors who went from Edinburgh to be present at the Sunday meeting of Council which his Majesty held in Glasgow on the 27th of July, just before taking leave of Scotland. See p. 202; and note that the Earl of Argyle was named first in the new Commission of that date to a number of Highland landlords for pursuit of Cameron of Lochiel and his fellow-rebels (pp. 204–205). He can hardly have acted on that Commission, and seems indeed not to have remained in Scotland after his Majesty's departure, but to have accompanied or soon followed his Majesty into England. Mentions of him at p. 224, under date 20th August 1617, and p. 236, under date 10th September 1617, may indeed imply that he and his Countess were then in Argyleshire; but a subsequent mention at p. 286 suggests that he must have been gone from Scotland altogether not long after the latter date, if not before.

In fact we know independently that before the end of 1617, or at all events early in 1618, he was no longer within the British Islands. Having gone into England, he had, under plea of ill-health and of a desire to try what might be done for his cure by residence for a while in a foreign watering-place, obtained his Majesty's licence to go abroad, and had gone in consequence to the Spanish Netherlands. That there were some suspicions as to his motives for such a step, and that at all events serious inconvenience was caused in Scotland by his absence from the British dominions, and by the difficulty of communicating with him, appears from minutes of the Council at p. 377, p. 404, and p. 425. The first, dated 9th June 1618, declares the forfeiture by the Earl, on motion by the Lord Advocate, of certain sums in

which he had become surety in 1611 and 1612 for the good behaviour of two Macgregors who had then made peace with the Government and changed their names,—a hint at least that his Majesty was displeased with the Earl, and wanted to show his displeasure by keeping the Earl to his responsibilities. The second of the minutes, dated 9th July 1618, and the third, dated 30th July, refer to that particular evasion of the Earl's responsibilities which consisted in his having left his Argyleshire domains under insufficient guardianship and rule. There had been trouble in those domains, it is stated,—some insolent persons of the name of Campbell having broken loose and gone athwart the country in a disorderly manner, "takand the gritair bauld-"nes hereunto in respect of the absence of the Erll of Ergyle furth "of this realme, and that he hes left nor nominat nane in his "absence to have the chairge and burdyne to retene his clan and "cuntrey under obedience"; and, to remedy this, there was summons to Sir Duncan Campbell of Glenurchay, Sir John Campbell of Caddell, Sir James Campbell of Lawers, Sir Dugald Campbell of Auchinbreck, and other Campbell lairds, to appear before the Council and suggest measures for the emergency. Not even so should we have been prepared for the information which bursts upon us at pp. 467–468, in the form of a royal letter from Whitehall dated the 7th of November 1618, and a Proclamation by Council on the 15th of November as commanded by the letter. The letter, after referring to his Majesty's strict injunction to the Council many years ago "not to permitt the Earle of Argyll to come out of "that our kingdome till first he sould appoynt some man of "authoritie and pouer to be ansuerable in his absence for the "peace and goode ordoure of the inhabitantis of that pairt of our "kingdome for which, pairtlie as landislord, and pairtlie as "schireff and officer, he sould be ansuerable," and after saying that his Majesty had assumed that the Earl had duly attended to this injunction before his last coming from Scotland, and had therefore been easily induced to grant him licence to go abroad, "the rather becaus he pretended his desyre of cure of some "bodylie infirmitie by the wateris of the Spa to be the only

"caus of his craveing licence and scheort intended absence," proceeds as follows :—"Haveing laitlie undirstude that since his "obtening oure said licence he hathe maide avowed defectioun "frome the trew religioun and gone publictlie to the masse, and "withall is not secreitlie reconceilled bot oppinlie enterrit in "verie professed freindschip and suspicious dealing with our "proclamed tratour Sir James M^cDonald and olde M^cRonnald, "—thairfoir it is oure speciall pleasour that with all possibill "diligence yee by oppin proclamatioun at the mercatt croce of "Edinburgh and schoir and peir of Leyth revoke, discharge, and "annulle oure said licence granted to the said Erle to depairt out "of our dominionis, and that ye caus ordourlie charge him under "the pane of treasoun to returne, within thriescoir dayes warneing "efter the publicatioun of the said charge, into that oure "kingdome, and thair compeir befoir yow of our Privie Counsall "the first lawfull day efter the expiratioun of the said thriescoir "dayis, to ansuer for his intercommouning with our said "traitoris M^cDon[ald] and M^cRonald, under the panes afoirsaid." The Council drew up proclamation accordingly, only adding Stirling, Dumbarton, and Inveraray to the places at which it should be published. The sixty days of warning allowed to the Earl having expired, there followed on the 4th of February 1619 the Act of Council which may be read at pp. 507–508. After reciting the terms of the proclamation, with proof that it had been made in due heraldic form at the places named, it concludes : "Quhilk being callit, and Sir Williame Oliphant of Newtoun, his "Majesteis Advocat, compeirand personallie for his Majesteis "entres, and the said Erll of Argyll being ofttymes callit and not "compeirand, nor yit he haveing returnit within this kingdome "conforme to the said charge, nor no [ressone or] caus being "schawne, proponeit, nor alledgit be ony in his name in the "contrair : Thairfoir the saidis Lordis, according to the certifica-"tioun of the said act and letteris raised thairupoun, dō repute, "hald, and es[teme] the said Erll as a traytour, and ordanes him "to be persewit thairfor [and] the pane of treassoun to execute "upoun him without favour."

The news must have come as a thunder-clap upon all Scot-

land. The Earl of Argyle, one of the highest noblemen in Protestant Scotland since those old days when her Protestantism was of the strict Calvinistic and Presbyterian type, a nobleman distinguished for so many services for the Crown through the past twenty years, and whose most recent service had been the suppression of Sir James Macdonald's great rebellion in the West Highlands and Islands,—this man now a fugitive in the Spanish Netherlands, an avowed convert there to the Roman Catholic religion, and colleaguing there with that very Sir James Macdonald whom he had crushed and driven into exile, and with old MacRonnald, the most notable adherent of Sir James in his rebellion, and now his fellow-exile! How had this strange perversion happened? Thinking of the matter now, one finds it not improbable that the Earl, accustomed for seven or eight years to frequent residence in England, had become sick of his life in Scotland, and especially of his forced employment in so many rough services in those Celtic wilds of Scotland which were his chief hereditary charge, and had been sighing for a life of greater repose, such as he might have in a southern and more tranquil clime. But there must have been more than this. The influence of his Roman Catholic English wife had been gradually sapping his Protestant prepossessions; and he had probably for some years already, even while engaged in suppressing the Macdonalds and other Scottish Roman Catholics, been himself a crypto-Catholic. What if he could bear the secrecy no longer; what even if, revolving his past life, and finding in it horrors that lay heavy upon his conscience,—massacres of poor Macgregors and the like,—he could not rest any longer in professing, in any possible form, the Scottish Protestantism in which he had been brought up, whether the Presbyterian form of Knox and Melville or the later Episcopal form of the Spotswoods and Laws, and saw no peace or absolution for his soul save in the old Italian creed? A certain languid meditativeness of disposition which one detects in the Earl in his later days lends some countenance to these conjectures as to causes; meanwhile we have to do with the fact. That is that from the year 1618 Archibald Campbell, 7th Earl of Argyle, disappears from the

political history of Scotland. He was not then more than about forty years of age, and he was to live for twenty years longer; but his public career in Scotland was over, and what further glimpses of him are to be had during those twenty coming years are but glimpses of him elsewhere. His successor as representative of the great house of Argyle was to be his eldest son Archibald, now a youth of about twenty years of age, and known as Lord Lorne, but to be known in time as the 8th Earl and 1st Marquis of Argyle, the aristocratic head of the Scottish Covenanters, and the most famous and most Calvinistic of all the Campbells.

For the present it was not young Lorne that took his father's place in the management of the Argyle domains. The Campbell lairds who had been summoned to appear before the Privy Council to advise as to the best method for such management had consulted together with such effect that they were able to anticipate the day for which they had been summoned. They had been summoned for the 2nd of February 1619; and they were in Edinburgh, and in attendance upon the Council, to the number of about a score in all, on the 17th of December 1618. See the interesting minute at pp. 487–489. The substance of that minute is that the Lairds proposed, and the Council accepted the proposal, that the chief charge of the Argyle domains should be laid upon Colin Campbell of Lundy, as the fugitive Earl's nearest available kinsman, and that he should have four principal assessors, each with a special district assigned to him, viz. Campbell of Lochinyell, with Lorne for his district, Sir Dugald Campbell of Auchinbreck, with Argyle proper for his district, Campbell of Ardkinglas, with Cowal for his district, and Colin Campbell of Kilberrie, with Kintyre for his district,—the other lairds present promising their faithful concurrence with these principals to the utmost of their power. The arrangement was to hold good till the 1st of June 1620, or till such time beyond as might be necessary for evidence that the Lairds had properly discharged their trust. A supplement to the arrangement will be found at pp. 531–532, where there is an Act of Council, of date 4th March 1619, enlarging the bounds of Campbell of Lochinyell's particular charge by annexing to it

the lands of Sunart and Ardnamurchan. This concludes for the present our view of the Western Highlands.

The volume does not contain much about the Orkneys and Shetlands. The chief notices of these will be found at p. 224, pp. 439–440, p. 510, pp. 535–537, pp. 544–546, p. 562, pp. 575–576, p. 603, and pp. 605–607. The information in several of these will fall most appropriately under later sections of this Introduction ; but reference may be made here more especially to those at pp. 535–537, pp. 544–546, p. 562, and pp. 575–576, as furnishing evidence that those distant Scandinavian Islands of the North, no less than the Gaelic Islands of the West, still taxed the vigilance of the Central Government. The first of them records a complaint by Robert Halcro against Patrick Stewart, son of James Stewart of Gramsay, and a number of Orkneymen, his followers, for housebreaking and oppression ; and the others relate to violent and protracted hostilities respecting the possession of certain lands between Robert Menteith of Egilshaw and William Colvill, son of the late parson of Orphir in Orkney, with other Colvills and their associates.

V. MEMORABILIA IN THE GENERAL ADMINISTRATION.

One of the Acts of the Scottish Parliament held by James during his visit was the Act "Anent the Justices for keeping of the Kingis Majesties Peace, and thair Constables." See the mention of it in the footnote at p. 164 ; and connect the evidence so given of King James's determination to maintain and extend in Scotland that English system of County Justices of Peace and a County Constabulary which he had himself introduced, and which had already worked well in spite of native opposition, with the evidence furnished by recurring entries (*e.g.* at p. 418 and p. 462) of his attention to the Sheriffships of the different counties and care in seeing them held by fit persons.

An Act of the same Parliament, not mentioned in the cited footnote, but worthy of mention now, was one for securing a uniformity of Weights and Measures throughout Scotland. By

this Act, passed on the 28th of June 1617, twelve persons,—to wit Sir James Wemyss of Bogie, Sir George Auchinleck of Balmanno, Sir James Foulis of Colinton, Sir Robert Stewart of Shillinglaw, Sir John Vaus of Barnbarroch, Sir William Grierson of Lag, James Nisbet, burgess of Edinburgh, Mr Alexander Wedderburn, town-clerk of Dundee, Sir Thomas Menzies, provost of Aberdeen, James Hamilton, provost of Glasgow, John Osburne, burgess of Ayr, and Sir George Bruce of Carnock, burgess of Culross,—were constituted Commissioners, with powers to them jointly, or to any eight of them, to establish "one just Measure "and Weight through all the pairtes of this kingdome, which shall "universallie serve all his Highnes leiges by which they shall buy, "sell, receive and give out in all tyme to come." The sole instruction to them in their proceedings was that, in the matter of measure, they should take for their fixed standard "that measure "of Linlithgo which is now commounlie used, and which hath "beine used most customablie through the greatest part of this "kingdome these fiftie or thriescore yeiris past," all other measures to be reduced to conformity therewith.——The Commissioners, after a number of meetings in January and February 1618, concluded their task and set forth the results in an Act, dated 19th February 1618, to have the force of an Act of the Parliament by which they had been appointed. They had begun with the *Measures*, taking for their standard, as had been instructed, the measure of Linlithgow known as "the Firlot of Linlithgow." The Provost and Bailies of Linlithgow having been summoned to produce the original of this Standard Firlot as it had been kept in their burgh, with the warrants for its authenticity, and having duly complied, the Commissioners had examined it most carefully in all sorts of ways, and register their findings. They had filled it with water, and found that it held 21 pints and 1 mutchkin of the Stirling jug and measure, the said Stirling jug containing 3 pounds and 7 ounces French Troy weight of "clear running water of the Water of Leith." They give the exact dimensions of the Firlot in width and depth, with an exact description of its shape, &c.; and they enact that this original Firlot shall remain the standard measure "for metting of wheat, rye, beans, peas,

meal, and white salt, and such other stuff and victual,"— the minor measures for the peck, half-peck, and quarter-peck to be made "effeirand" thereto, and all the measures to be branded with certain unmistakable marks and symbols. Besides that Firlot, however, hitherto in use for the commodities mentioned, there had been another Firlot, in use hitherto for malt, bear, and oats, these commodities having "ever been measured by heap." Now, the proportions of this Firlot, which may be called "the Heap Firlot," to the other, known as "the Streck Firlot," had hitherto been estimated to be as 3 to 2,—*i.e.* three streck firlots counted as equal to two heap firlots. Finding this proportion somewhat wrong, the Commissioners had rectified it, extending the rectification also to the pecks, half-pecks, and quarter-pecks that were to subdivide the Heap Firlot and be in conformity with it. But of either of the two Firlots four fillings were to constitute a just Boll. So much for the standard *measures*, of which the magistrates of Linlithgow were to remain in charge, giving them out to the other burghs on application. Passing then to the *Weights*, the Commissioners settled that the standard stone weight in future should be the French Stone Troy, consisting of 16 Troy pounds, each pound of 16 Troy ounces, and that all lesser weights should correspond,—all weights of the old kind called Tron weights to be abolished and discontinued. The Burgh of Lanark was to have the custody of pattern standard weights, and to supply the other burghs against a given time. There were to be duplicates, however, both of the standard measures as kept at Linlithgow and of the standard weights as kept at Lanark; two of which duplicates were to be deposited for security in Edinburgh Castle, and two in Dumbarton Castle. Even this was not all; for something remained to be done about the eln measure and the pint-stoup. As to the eln measure, it was settled that it should consist of 37 inches, the half-eln and quarter-eln to correspond, and the standard eln to be in the custody of the burgh of Edinburgh; and, as to the pint-stoup, it was settled that Stirling should have the custody of the standard, and that each pint-stoup should hold 3 pounds 7 ounces French Troy weight of "clear running water of the Water of Leith,"—the quart, the chopin,

the mutchkin, and half-mutchkin, to correspond. There were also to be duplicates of the standard ell and the standard pint-stoup, to be kept in Edinburgh Castle and Dumbarton Castle.——Such is an abstract of the Ordinance of the Commissioners, dated 19th February 1618, as it may be read at pp. 585–589 of Vol. IV. of the *Acta Parl. Scot.*, in the form of an Appendix to the Acts of the Parliament of June 1617. From anything that appears there, it might be imagined that the business had been wholly concluded by the Commissioners in virtue of the powers entrusted to them by Parliament, and that the Privy Council had nothing to do with it. Our Register, however, corrects that impression. For example, at p. 292, under date 8th January 1618, and at p. 293, under date 13th January 1618, there are entries showing that the Council had taken cognisance of the deliberations of the Commissioners while they were in progress, had appointed their times of meeting, and had nominated their convener. Again, from an entry at p. 319, dated 19th February 1618, it appears that the above-described ordinance of the Commissioners, completed that day, was that day given in to the Council, and delivered by the Council to the Lord Clerk Register. But that the Council supervised the Commissioners, exercised authority over them, and took intimate and minute charge themselves of the business for which the Commissioners had been nominated by Parliament, appears most strikingly from the fact that this business of the Weights and Measures does not end in the Council minutes at 19th February 1618, but runs on through the minutes for eleven months beyond that date. It is the continued subject of a series of entries at p. 325, p. 354, pp. 374–375, pp. 384–385, pp. 392–394, p. 462, p. 475, and p. 495 ; and these entries clear up some obscure points in the Ordinance of the Commissioners, and add not a few new particulars of information. The substance of their story is as follows :—On the 5th of March 1618 the magistrates of Linlithgow were before the Council, bringing with them, as they had meanwhile been ordered, two model specimens of each of the measures that they were to serve out to the other burghs and to the lieges generally,—to wit, two models of the "auld firlot" or streck firlot, of 21 pints and one mutchkin, and two of

the heap firlot, called now "the grite firlot," of 31 pints, with two of the peck, half-peck, quarter-peck, and half-quarter peck measures corresponding to the two firlots severally. All was found correct; and they were exonerated, and voted £100 for their trouble, the Council at the same time ordering the models or their equivalents to be sent to Edinburgh Castle and Dumbarton. Similarly, on the 13th of May 1618, representatives of the burgh of Stirling were before the Council, exhibiting "tua standartis of the pynte stoupe maid in brasse"; and, these having passed examination by the Council and by three of the Commissioners for Weights and Measures who were present, there was exoneration and a vote of £100 for the magistrates of Stirling, with order for the delivery of the models for keeping in the said Castles. Then, on the 9th of June 1618, there was a charge by the Council to all the burghs to delay no longer in obeying the Ordinance of the Commissioners of the preceding 19th of February by providing themselves with copies of the Linlithgow firlots and their subdivisions, copies of the Stirling pint-stoup, and copies also of the standard eln "quhairof the burgh of Edinburgh hes the keeping." On the 16th of June there was a supplement to this charge in the form of a special charge affecting the town of Duns. There being no proper head-burgh in the shire of Berwick, but Duns being the usual seat of the Sheriff-Courts for the shire, Sir Patrick Home of Aytoun, as baron of the town of Duns, had been burdened with the duty of seeing that town provided with the standard measures; and, as he had hitherto neglected the duty, "sua that the formair abuse of disconformitie of the saidis measouris yitt continewis within the said schirefdome of Beruick," this was to remind Sir Patrick of the neglect. Hitherto there had been no mention of the new standard *weights;* but that was remedied on the 30th of June 1618. On that day the Council received copies of the various model weights,—the French troy stone, French troy pound, French troy ounce, &c.,—which had been prepared by the burgh of Lanark, and, having found these correct, voted £300 to the magistrates of Lanark for their expenses, and ordered two sets of the model weights to be enclosed in "tua kuistis of tymmer" for preservation in Edinburgh and Dumbarton

Castles respectively; and on the same day there was charge to all the burghs to delay no longer in providing themselves with these Lanark weights, over and above the previously ordered measures from Linlithgow, Stirling, and Edinburgh. Still later entries on the subject are an order of 3rd November 1618 for another general proclamation of the new Weights and Measures, a minute on the 26th of the same month of dealings found necessary in the matter with the town of Leith, and notices on the 14th of January 1619 of the special unwillingness of the towns of Tranent and Dalkeith to go to the expense of getting the new standard weights from Lanark, with the reasons assigned by these towns for their unwillingness. Tranent pleads that it is "nawyse a frie burgh," and has no need of the new weights, the town "consisting, as the "Lordis of Prevey Counsaill knawis, of some few fleshouris, baik-"eris, and coilheweris and labourairis of the ground onlie, who hes "no uther trade, calling, handling, nor industrie"; and Dalkeith similarly describes itself as "consisting of maltmen and labouraris of the ground," with no traders requiring the new weights.—— With all this care over weights and measures, had there not been one omission? How were you to sell or buy salmon, herring, or white fish, for example? Hardly by the Linlithgow firlot, hardly by the Stirling pint-stoup, hardly even by the Lanark editions of the French troy weights? So, it appears, the Council came to think; for at pp. 526–527, under date 2nd March 1619, they remark that the Parliamentary Commissioners for Weights and Measures had not meddled with the standards for salmon, herring, or white fish, but had left them as settled by previous Acts of Parliament, especially one of the 8th Parliament of King James. To prevent mistake, however, and to complete the whole business of the Weights and Measures, the Council now order the magistrates of Aberdeen, to whom the custody of the standard for the sale and purchase of salmon had been committed, to send to the Council duplicates of that standard for safe keeping in Edinburgh and Dumbarton Castles, and the magistrates of Edinburgh to send for the same purpose duplicates of the standard in their possession for the sale of herring and white fish.

Among the Miscellaneous Privy Council Papers in this volume

there is one which connects itself curiously and unexpectedly with another of the legislative Acts of the Edinburgh Parliament of June 1617. It is the petition of the cordiners (shoemakers) and other leather-dealers of Edinburgh given at pp. 613–615, and signed for the trade by Alexander Crawfurd, Angus Cleland, and Matthew Crawfurd. It is expressed in rather helpless language, but makes its meaning clear enough, and with considerable pathos. The complaint is against an injury done to the petitioners, and also to the lieges in general, by the misconduct of the Scottish tanners or barkers of leather in "drawing "of thair ledder furth of thair bark-pottis befoir the halff tyme "expyre that sould bring the strenth of the bark to the full "perfectioun"; in consequence of which the leather is carried away to the market wet, raw, unfit to "mak any guid work ather in show or substance," and requiring to be sent back again and again for further process of barking. Thus, not only is there consumption of "ten tymes moir bark yeirlie nor is requisite," to the exhaustion of the Scottish woods supplying the bark; but the poor cordiners and other leather-dealers are compelled to fetch their leather from London, if they would have it of good quality, thereby transgressing a statute against the transport of leather and running the risk of having their purchases confiscated. The petition therefore is that "all "barkaris of ledder within this realme may be injoynit to latt "thair ledder ly in the bark pottis to the full tyme, that it receave "the strenth of the bark, and thairefter to bring it sufficientlie "dryit to the mercat"; by which means, while the woods, "being ane of the ornamentis and commoditeis of the cuntry," would be preserved, yet the Scottish leather would be good, and the Scottish cordiners and other leather-dealers, using native hides, would turn out better, cheaper, and more wearable work from them than heretofore. They hint moreover that it might be advisable that the art of barking itself should be a free trade in Scotland, as in other countries, and not a monopoly as at present; but on the whole they would be satisfied with such an Act for remedy of the main evils pointed out as might be administered by the Privy Council. The scribblings attached to the document

purport that it was addressed to the Lord Clerk Register Sir George Hay, and that the Council received from that official, probably on the 27th of June 1617, an Act of the sort required. These scribblings are explained, we have now to report, and something of historical importance is conferred on the whole document, by an Act which may be read in the *Acta Parl. Scot.* IV. 557. It is entitled "A Commission anent Barking of Hyidis," and was one of the Acts passed on the 28th of June 1617 by the Parliament with which we are now concerned. It reproduces the very language of the Petition of the Edinburgh Cordiners and Leather-dealers, and grants commission and power to the Privy Council to take order in the matter of the petition. The proper interpretation of the scribblings seems, therefore, to be that the petition had been sent in to the Lord Clerk Register some time before the meeting of the Parliament (as, indeed, was required by the Act of Council printed at p. 109), that it had passed that official as suitable to come before the Lords of the Articles, and that, these Lords of the Articles having considered it and thought it worthy of attention, the Lord Clerk Register was able, on the 27th of June, to inform the Privy Council that the bill "Anent Barking of Hyidis" was one of those that were to pass the whole House next day.

Almost of equal legislative validity with the statutes passed in the King's presence by the Parliament of June 1617 were the two suggestions made by the King himself in the meeting of the Privy Council held by him at Glasgow on the 27th of July of that year just before his passing from Scotland for his return into England, and left as bequests to his Scottish Executive (pp. 202–203). They professed to be "propositions" or "recommendations" merely, but were really orders.

One was the recommendation that after his departure "some face of a court" should continue to be kept at Holyrood by making Holyrood Palace thenceforth the usual meeting-place of the Privy Council, and by the regular attendance of the Councillors every Sunday thenceforth at the service in Holyrood Chapel. The recommendation was the more reasonable and practicable, it was hinted, inasmuch as his Majesty had left the

Palace and Chapel in greatly improved condition in consequence of the repairs that had been executed in them at his own royal charges to fit them for his own use during his stay in Edinburgh. The Council, of course, were bound to obey, but seem to have obeyed rather slowly. Not till the 16th of July 1618, nearly a year after the King's departure, was there a definite Act of Council transferring the usual meetings of the Council from the old Council-house in the High Street to Holyroodhouse. See it at pp. 408–409. The delay may have been caused by affection for the cosier old meeting place or by the need of some preparations for the removal, but may have been caused in part also by disinclination to that regular weekly attendance in the Chapel, abstinence from which would be hardly excusable after the daily or frequent use of the Palace for business purposes had become customary. In fact, one finds that, after some little while of trial of Holyroodhouse, the Lords slunk back to the old Council-house in the High Street. The datings of their minutes through November and December 1618 and January 1619 are from "Edinburgh" simply, as before, and not from "Halyruidhouse." On the 2nd of February 1619, however, they were reminded of his Majesty's wish by a message from his Majesty through Secretary Binning that he expected the attendance always of all the Councillors that were in Edinburgh on the Sunday service in Holyrood (p. 506). Even then there was some reluctance among them to the exertion required for the walk on week-days down the Canongate for appearance at the Palace. The minutes of Council through February, March, and April 1619 are still dated "Edinburgh" merely. Possibly the chief deterrent from week-day meetings for Council business at the Palace was the fear that these would necessarily involve Sunday attendance in the Chapel. But his Majesty was now engaged in enforcing most unflinchingly among his Scottish subjects the Articles of the Perth Assembly, and was letting it be known that the highest Nobleman or Councillor in the realm that should dare to be remiss in the observance of those Articles, and especially of that requiring kneeling at the Communion, would be disabled and degraded (see *ante*, pp. lxxii.–iv.). Hence, at last, at

p. 571, under date 12th May 1619, we find renewed proclamation by the Council that its future meetings were to be in Holyrood Palace. Before the close of our volume, accordingly, his Majesty had succeeded in his design that there should be "some face of a court" again about the old edifice at the base of the noble Arthur Seat. It was not the Holyroodhouse one now looks at there, but a much older and more complex edifice, of which the north-western tower and its adjuncts in the front of the present Palace are the only surviving fragments.

The other parting bequest of his Majesty to the Scottish Executive just before his return into England (pp. 202–203) was of a different nature. There had been great damage to Scottish navigation and commerce, his Majesty thought, by the general use for some years past of foreign ships for the export and import of commodities when Scottish or English ships were at hand and might have been used as easily,—one result being that "the cuntrey, quhilk of laite yearis wes weele furnist with "a nomber of goode and strong shippis, is now become emptie "of shipping, to the grite discredite, scandaill, and waikning of "the cuntrey; whereas, yf, acording to the lovable custome of "all otheris weele governit commounwelthis, no strangearis "shippis wer sufferrit to be frauchted be the subjectis of this "cuntrey quhen Scottis and Inglis schippis may be had, the "schipping of this cuntrey wald daylie increse bothe in nomber "and burdyne, and the trade of navigatioun, whilk of laite yeiris "is far decayit, wald be renewit and florishe." His recommendation therefore was that the Privy Council should attend to this matter as soon as possible.—The Council, while receiving his Majesty's "most princelie propositioun," and recording their opinion that it was "worthie to be imbraceit," had gone no further at the moment than ordering a collection and examination of all previous Scottish Acts bearing on the subject, and a comparison of these, in the first place, with the commercial articles of the abortive Treaty of Union in 1604 between the two kingdoms (*ante*, vol. vii. pp. xxix.–xliii.), and, in the second place, with the existing commercial practice of England. It turned out, in fact, that his Majesty, in his "princelie propositioun," had left a

bone of contention in Scotland over which there was to be dispute for the next two years and more. See, first, in succession, entries at p. 249, p. 255, p. 392, and p. 409. These entries, which extend from the 1st of October 1617 to the 16th of July 1618, show that the Council had naturally required the advice of the Burghs in such a matter, that there had been consultation about it by the Burghs individually and in Convention, and that an apparently irreconcileable difference of opinion about it had broken out between the burghs as such and the ship-owners and ship-masters,—the Burghs mainly objecting to his Majesty's proposition for the exportation and importation of commodities only in Scottish bottoms when possible, and the shipowners desiring the restriction. On the last named day, it seems, representatives of both parties were before the Council arguing the matter at length, and so effectively on both sides that the Council could only require that the reasons pleaded by the Burghs should be reduced to writing and handed to the Skippers for reply in writing, so that further argument should be by exchange of papers. At this stage, as we learn at pp. 412–413, there step out, by nomination of the Burghs, and as the champions of the view of the Burghs, these seven persons,—David Aikenhead, Dean of Gild of Edinburgh, Andrew Scot, burgess of Edinburgh, Henry Adair, town-clerk of Perth, Mr Alexander Wedderburn, town-clerk of Dundee, George Nicolson, burgess of Aberdeen, John Sherar, burgess of Stirling, and Gabriel Cuningham, burgess of Glasgow,—while the elected champions for the merchants and skippers are John Durie, George Smailholme, James Baird, William Meiklejohn, Robert Logie, and James Home. Time passes; and, though we hear of the business again at p. 465 and p. 511, it is not till p. 518, under date 18th February 1619, that we reach even a respite in the controversy. On that day the Council, after repeated argument before them on the question by voice and on paper, "findis it meit and expedient, befoir thay tak ony con-
" clusioun or determinatioun thairanent, that thay be informed
" upoun quhat [ground], causis, and motives this restreant hes
" bene maid in Ingland, quhat is [the tennour] of the proclama-
" tioun maid [there] to this effect, gif thair be ony restrictionis

" [or limi]tationis thairin, quhat conditionis are sett doun betuix " the marcheantis [and] skipparis [there] anent thair frauchtis and " conditionis of thair service, and [quhat] otheris particularis hes " past in this bussynes. And for this effect thay ordour a missive " letter to be wreittin to the Duke of Lennox and suche of the " Scottis Counsaill as ar at Courte, willing thame to send unto " the Counsaill ane trew and perfyte reporte anent thir [materis]." It was also recommended to the Burghs to send a Commissioner to Court to represent their case, and to the Skippers to do likewise, the recommendations to be conveyed to the Burghs and the Skippers respectively by David Aikenhead and John Durie. It is evident that the business was a difficult one, and complicated by the question whether his Majesty was bent that there should be conformity in it of Scottish practice with the English. As appears at pp. 520–521 and p. 568, there were still delays; and, in fact, there is no settlement of the business, but only a prospect of settlement, when our volume closes. Thus, at pp. 571–572, under date 12th May 1619, the Council, " being verrie " desyrous and cairfull that this mater anent the restraynt of " forreyne schippis, quhilk is so instantlie urgeit be his Majestie, " salbe broght to some goode conclusioun with the mutuall goode- " will and consent of the merchantis and skipparis, quhome the " mater cheiflie concernis," are found looking forward to the possibility of some such conclusion at the Convention of Burghs which was to meet at Haddington in July next. To that end, they instruct or request the Skippers to send five or six of their number to the said approaching Convention, " to confer with the " Commissionaris of Burrowis anent the mater and upoun all sic " objectionis, questionis, and doubtis as may be moved thair- " upoun." Whether any advice on the subject had meanwhile come from London does not appear; but the minute shows that the parties had not yet thought it expedient to send representatives to London to argue the matter there. At pp. 589–590, under date 8th June 1619, there is another and more peremptory Council minute on the subject. His Majesty, it is there stated, had anew urged his proposition upon the Council, and moreover " signefied his princelie pleasour and resolve thair-

" anent that he will admitt of no langer delayis, bot will have a " full conformitie of seafairing in all his Majesteis dominionis " ; and he had sent down copies of the English Acts and Proclamations on the subject and of documents showing the mutual obligations that were in force between English merchants and English ship-owners. The Council, having intimated all this to Dean of Gild Aikenhead, and Mr John Hay, town-clerk of Edinburgh, present for the Burghs, and to James Home and other Leith ship-masters, present for the Skippers, again adjourn the business till it shall have been discussed in the approaching Convention of Burghs at Haddington, but take measures for ensuring, if possible, that the discussion there shall be final. They order public advertisement to be made to the Skippers of all the principal Scottish ports to send " sax discreit personis of thair nomeber " to the said Convention, to confer with the Commissioners of Burghs there and conclude the business ; and they also order the Convention and the Skippers to send authorised persons to a future meeting of Council to report the conclusion that may have been come to. Here for the present the matter stops. What is most interesting to us now, in addition to the fact that there was so keen and persevering a controversy on so important a question of Navigation Law and Commercial Economy in the Scotland of 1617–19, is the evidence furnished in the course of the controversy of the continued influence in the national polity at that date of so ancient and peculiar a Scottish institution as the Annual Convention of Burghs.

Among the edicts of a legislative or semi-legislative kind emanating from the King and Council in more ordinary fashion we may note first that initiated at p. 67, under date 18th March 1617, and continued at p. 510, under date 4th February 1619. From the first of these entries it appears that the attention of his Majesty had been called to the prevalence in some " remote and incivile " places of the kingdom of the seemingly barbarous custom of plucking or tearing the wool from sheep instead of clipping it, and that, in consequence of a letter from his Majesty to the Council, the continuance of this practice was forbidden by proclamation under the penalty of 4s.

for every sheep so treated, besides further punishment. There is reference in his Majesty's letter to the former prevalence of the practice in Ireland; but there is no designation of the "remote and incivile" parts of Scotland where it was still in use. From the later entry, however, we learn that they were the Orkneys and Shetlands. A certain James Alexander in Stirling having been constituted by the former Act searcher-general for offenders under it, with a life-monopoly of the wool that might be forfeited, the Orkney and Shetland people had resisted interference with their custom, and not only resisted interference with it, but defended it as perfectly natural and harmless. The Council seem to have been staggered by this plea; for the minute bears that, "being cairfull to undirstand "the trew estaite of the mater, and gif the abuse of pulling of "the scheipe be grevous and noysome to the poore hairmeles "beistis, and prejuditiall and hurtefull to the commounweele, "as is pretendit, and quhat hes bene and is the constant custome "of that cuntrey in this caise, by quhat meanis and within "quhat space this abuse, gif ony be, may be removed, and quhat "course salbe moist expedient to be imbraceit and used heirefter "in this particulair," they refer the inquiry to the Bishop of Orkney, with the Sheriff and the Justices of Peace there, whose written report is to be the basis of a further decision.——A still more extraordinary edict is that of 19th January 1619, recorded at p. 498. His Majesty, it seems, had incurred a debt of about £3000 to David Lyndsay, late keeper of the Tolbooth of Edinburgh, for the maintenance of prisoners committed by the Council to his custody; and the said David Lyndsay had assigned this debt to Mr Jerome Lyndsay, in discharge of certain claims upon him by the said Mr Jerome. His Majesty had sent instructions for the payment of the debt to Mr Jerome; but the Council had found that "the necessitie of his Majesteis princelie and most important affairis" would not permit immediate payment out of his Majesty's coffers. Therefore, the entry informs us, the Council had ingeniously devised another arrangement with Mr Jerome for his payment. It was that, "giff he will "undertak to inquire and discover the pers[ones guyltie of] the

"filthie vyce and cryme of adulterie throughoute this [kingdome, "and] will dilait thame to his Majesteis Justeice, gif informatioun "[to his Maj]eisteis Advocatt," &c., then and in that case he shall receive "ane halff of the compositionis, fynes, unlawis, and pe[nalteis]" accruing from the conviction of the said persons, "ay and quhill he be fullie and compleitlie payit of the said sowme "of thrie thowsand pundis." A pleasant business for Mr Jerome Lyndsay; but *pecunia non olet!*——At pp. 525–526 is a proclamation for enforcing the Acts against "mureburne," *i.e.* burning of heaths and moors, after the month of March in each year; at p. 410 and p. 417 there are precautions against plague-infected ships; at pp. 533–535 there is a renewed Act against the import and currency of foreign coin and the export of native coin; and at pp. 538–539 there is an explanation and modification of this last Act with reference to certain particular coins. A curious proclamation, put forth in the name of the Council only, is that which may be read at pp. 379–380. A number of young boys serving as pages to noblemen and gentlemen had, it seems, formed themselves into a kind of union or fraternity, with the consequence that, "quhenas thay find ony boy newlie enterit in "service or paigerie, as thay terme it, thay lay handis upoun "him, and imposis upoun him some certane peeceis of gold, to "be spent in drinking, ryott, and excesse, for ressaveing of him "in thair societie and brotherheid, and, yf ony of thir new "enterit boyis refuse to condiscend to thame in this point, thay "do then shamefullie and unhonnestlie misuse thame, awaiting "all tymes and occasionis to harme and disgrace thame." The folly had come to such a height, and was so likely to lead to quarrels among the masters of the boys, that the Council issue the present edict for its suppression.——It may have been in Edinburgh that this edict was chiefly needed. At all events, some of the edicts do concern individual towns and burghs. Thus, at pp. 310–312, there is an important Act for the prevention of fires in Edinburgh and for the increased salubrity of the town by the removal of slaughter-houses, tallow-melting premises, and the like, to the suburbs; there is a supplement to the same at pp. 530–531; at p. 234 there is a regulation, in the shape of

a legal decision, as to the custody of the new Market Cross of Edinburgh ; and at p. 558 there is record of the acquisition for his Majesty, as properly part of Holyrood Palace, of certain houses in Holyrood possessed and occupied by a Christian Lindsay, widow of one of his Majesty's servants. At pp. 304–305 there is an Act extending to the city of Glasgow for another five years a right of toll over goods passing Glasgow Bridge. At p. 360 there is warrant for 3000 merks to Lord Scone and the Magistrates of Perth for upkeep of the bridge of Earn. At p. 522 there is warrant to the Master of the King's Works for certain demolitions and repairs in Linlithgow Palace. At pp. 547–549, under date 21st March 1619, there is record of the appointment by his Majesty of a commission of twenty two persons, with the Lord High Chancellor at their head and six other nobles included, to visit Aberdeen for inquiry into alleged abuses in the two Colleges there, and also in the Aberdeen Hospitals, and for report to the Council. At p. 603, under date 24th June 1619, in consequence of a petition from the Provost and Bailies of Haddington, representing that their burgh is greatly incommoded by want of a hangman, the Council grants their request for leave to employ in that service a certain Elliot, then in their tolbooth on a charge of sheep-stealing, and willing to save his neck by accepting the vacant post.

A number of miscellaneous entries relating to commerce, trades, and industries may be here collected into one paragraph. We shall take them in their chronological order :—At pp. 138–139 there is a complaint by Sir George Hay, Lord Clerk Register, respecting an infringement of his patent for iron and glass manufacture. At p. 139 and pp. 140–142 there are notices of an illegal trade-combination among the bakers outside the West Port of Edinburgh. At p. 207 there is a commission for supervision of the herring fishing at Dunbar, so that the lieges may be first served with the herring brought in at every tide, the merchants to make their purchases afterwards. The order of 1st July 1617 prohibiting the importation of any wine between the 1st of August that year and the 1st of January 1618, in order that certain wine-merchants who had made the mistake of over

estimating the demand for wine that would be occasioned by his Majesty's Visit might get rid of their large surplus stocks (*ante*, p. p. xxxii-iii), is the subject of entries at p. 214 and p. 240. In the first, the Council, while advertising that the day for the roup of a new Tack of the Customs is to be 10th September, give notice to all who may be aggrieved by the said prohibition to send in their objections to it by that date; in the second, rumours having consequently got about that the prohibition was to be repealed, these rumours are contradicted, and the prohibition is emphatically confirmed. At p. 249 we are informed, though not till the 1st of October 1617, that the Roup of the Customs had taken place, and that the result had been that the new Tack had been acquired by a new company of speculators, who had overbidden the old Customers by 1000 merks. At p. 275 and p. 306 there is mention of a patent granted under certain conditions to a Walter Hiddesley for the manufacture of sulphur and gunpowder. Frauds on the Customs by the owners of the coal-heughs and salt pans on the Firth of Forth above Queensferry are the subject of an interesting notice at pp. 306-308. At pp. 323–325, after a preamble to the effect that "it is against the "policie of all weele governit commonwelthis that ony forayne "commoditye sould have saile in this cuntrey at a double price "of the native commoditeis quhair thair is sufficiencie of the "native commoditeis of that same kynd [within] the cuntrey, "especiallie that ane boll of Inglische malt and Inglische waltir "sould gif the double price of a boll of Scottis malt and Scottis "waltir, thair being als grite strenth and substance in the one "as the other," and after further preamble regretting the excessive demand for English beer in Scotland, more particularly among "poore artisanis and otheris of the meaner sorte," it is somewhat inconsistently proclaimed that there will be strict enforcement henceforth of the former Acts fixing the regulation price of English beer at not more than £6 the bune wholesale and 18d. the pint retail. At pp. 334–336 there is an Act for the protection of salmon-fishing against "vagaboundis and maisterles lymmairis" haunting the rivers all the year round with trout-wands and other implements, "sua that the scairstie and derth

" of salmond, quhilk wes ane of the best commoditeis whairwith " forayne wairis wer brocht within the cuntrey, daylie incressis." At pp. 339–340 there is renewal of the Acts requiring merchants always to import and deliver into the Cunyie-house a quantity of bullion proportional to their exports. At p. 343 there is record of steps taken to prevent the passing of a commission for the search of Scottish ships in the Thames in order to detect contraband goods. At pp. 473–474, under date 26th November 1618, it is enacted that, " whereas it is aganis all goode ordour, " pollicie, and governament that the coyne of the country salbe " unnecessarlie transportit and bestowit upoun commoditeis " quhairof the countrey standis not in neid, and sieing it hes " pleasit God to blisse this countrey with a verrie seasonable and " tymous harvest this yeir, sua that thair is greit aboundance " and plentie of victuall within the country, abill sufficientlie to " serve the selff and to supplie the wantis of otheris," therefore there shall be a custom duty of 10s. on every boll of wheat, malt, and bear, and of 6s. 8d. on every boll of other victual, imported between the date of the Act and the 1st of January 1620. At pp. 480–481 a suit by the Cordiners of the Canongate against the Cordiners of Edinburgh for interference with the liberty of the sale of Canongate goods in the Edinburgh market goes in favour of the Canongate. At p. 563, under date 21st of April 1619, the stock of gunpowder in the Castles of Edinburgh and Dumbarton being nearly exhausted, there is order to an Edinburgh burgess to purchase 500 stones of gunpowder abroad and bring it to Leith. At pp. 584–585, under date 1st June 1619, William Crawfurd of Camlarg, and William Hay, son of William Hay of Mayne, having been at great expense in trying to establish glass-works in the kingdom, and having reported that in the course of their attempts they have discovered large quantities of clay here and there which, if carried to England, would be found excellent for pottery, and so prevent the need of importing foreign pottery, there is grant to them for twenty one years of the sole right of carrying away such clay, subject always to the consent of the proprietors of the ground and to a duty to his Majesty of 4s. for every ton of the clay, and

with the proviso also that, should pottery-works be erected anywhere within Scotland itself before the expiry of the twenty one years, the Council may stop the export of the clay from any particular place. It was well to safeguard that chance; for already, on the 28th of February that same year, his Majesty, who had heard of the proposed grant to Crawfurd and Hay, had written to the Council mentioning that Lord Kinclevin contemplated the establishment of pottery works in Scotland, and recommending the project. See the letter at p. 634 among the Miscellaneous Papers; and see at p. 604 the licence given to Lord Kinclevin and his heirs and assigns to make "all sorte of "earthin vessellis and wark of clay, tyill, marrill, not heirtofoir "practiseit within this kingdome, and to dispone thairupoun "ather in or without the said realme." The Lord Kinclevin so favoured was John Stewart, second son of that Robert Stewart, the King's illegitimate uncle, who had been created Earl of Orkney in 1581. He had been Lord Kinclevin since 1607, and resided chiefly in England.

Government Prosecutions for revenue purposes were, of course, very frequent, and were of very various sorts. For specimens of such prosecutions for illegal exports or imports, or for evasion of the customs and other taxes, see p. 248, p. 264, p. 306, p. 326, p. 383, pp. 431-432, pp. 472-473, and p. 619. There are fewer Government prosecutions than in previous volumes, I think, for the crime of usury, *i.e.* charging more than 10 per cent. interest for money, or for obstinate and persistent remaining at the horn, — whether because these forms of resistance to the law had become less common, or because the benefit to the revenue from such prosecutions had been found not worth the trouble of them. Examples of both will be found, however,—*e.g.* of prosecutions for usury at p. 44 and p. 142, and of prosecutions for obstinate non-relaxation from sentences of horning or outlawing at p. 560, p. 565, pp. 573-575, and p. 583. Two of these last entries, it may be noted, concern the Highlands, and enumerate the most notorious "horners" there. At p. 519, there is a record of prosecution of about fifty butchers or butchers' men of Edinburgh, the Canongate, and Leith, with the names of the offenders, for contravening

the Acts against selling meat in Lent. Two classes of Government prosecutions which far outnumber all the rest are those for illegal carrying of hagbuts and pistols and those for illegal dealing in tobacco.——In spite of all the resolute efforts made by King James to suppress among his Scottish subjects the practice of carrying firearms, the practice had remained so common, not in the Highlands only but also in the Lowlands, that much of the time of the Council was still occupied with the investigation of this form of illegality, and with the prosecution and fining, whether individually or in batches, of those guilty of it. The instances in this volume are too numerous to be cited here, and must be found by the Index; but it is to be remembered also that, as the Council always treated the carrying of firearms as an aggravation of any other crime, such as riot or assault, the instances that may be so found do not indicate sufficiently the prevalence of the habit. There seems indeed to have been still a passion among the Scots about the years 1617-19 for going about with pistols or other firearms; and actually, as will be seen from an entry at p. 541, one careless fellow, forgetting that he had a pistol upon him, went into the Court of Session with it, where the judges were sitting, and had to rue his rashness. Even more rife among the Scots of those years must have been the passion for tobacco-smoking. Prosecutions of individuals or of batches of persons in different localities, but chiefly in Edinburgh, Aberdeen, and Montrose, for illegal dealings in tobacco run through our volume from beginning to end, and may be found by the Index. There are some variations in the wording and purport of these, which will be best understood by remembering the facts in the history of tobacco in Scotland prior to 1617, as these were summarised at pp. lxxiii-lxxiv of our last volume. Despite King James's personal antipathy to the "infective weed," tobacco, as was there explained, must have been a legitimate and not uncommon import into Scotland in and before 1612, inasmuch as it is mentioned among customary or possible imports in the Book of Rates of that year, where the market value of tobacco is set down at £18 Scots (*i.e.* 30s. English) per pound. But on the 22nd of May 1616 there had been passed the Act of Council, or rather of his Majesty himself (for it runs wholly in

his Majesty's own name), given *ante* vol. x., pp. 516-517. This Act, which was ordered to be proclaimed and printed, expressed in the strongest terms his Majesty's abomination of tobacco, and absolutely prohibited its future import into Scotland or sale within Scotland, giving powers to the Custom House officers to search ships for the forbidden article and seize it in whatever quantity it might be found. As it was provided in the same Act, however, that one half of the tobacco so seized in any case should be kept by the searcher or informer as his reward, and that the other half should become his Majesty's property, it is evident that his Majesty did not mean the tobacco to be destroyed, and had no objection to a little profit for himself by traffic in his share of the forfeited tobacco. In fact, it was perceived that, as there was little chance of stopping the importation and use of tobacco, it might be well to turn the growing passion for the drug to the account of the revenue; and the Act did so by meanwhile converting tobacco-dealing in Scotland into a Crown-monopoly, with the advantage that the Crown would not have to go to the expense of importing or buying the tobacco it was to deal in, but would get it by confiscation. This was too absurd to last; and on the 19th of November 1616 the hypothetical Crown monopoly in tobacco had been converted into a monopoly of the more ordinary sort by the transaction noted *ante*, vol. x., p. 659. "Commissioun "past to Capitane Murray for selling and homebringing of tobacco "for xxj yeiris" is the brief record there; but the obvious interpretation is that his Majesty, instead of retaining the Tobacco Monopoly in his own hands in the strange fashion instituted by the previous Act, had then found it best to grant to one selected person among his Scottish subjects, doubtless for sufficient consideration at the time or to be annually forthcoming, the sole right of importing into Scotland the weed which his Majesty detested but which Scotland would not be without. The "Capitane Murray" of this transaction was probably the Captain David Murray, commander of the King's ship *The Charles*, of whom there are several independent mentions in our present volume, all intimating that, for some reason or other, he was in high Court-favour. At all events, from November 1616

onwards, tobacco might be legitimately had in Scotland, but only from this Captain Murray, or from dealers whom he employed as his agents or to whom he had sublet his right of retailing it. For some time, however, it would seem, the matter must have remained in confusion; for in the earliest of the many prosecutions for illegal dealing in tobacco that straggle through the present volume the charge against the offenders seems to be for breach of the Act totally prohibiting the import (*e.g.* see p. 8 and p. 73), and only in one of the remainder (that at p. 423) is there distinct recognition of Captain Murray's legal right to import tobacco, or distinct evidence that the prosecution was for having imported tobacco otherwise than through Captain Murray and without his leave. But, doubtless, the understanding all through was that illegal dealing in tobacco meant dealing in any tobacco that had not been imported by Captain Murray, or in Captain Murray's tobacco surreptitiously obtained. The penalty in all cases was confiscation of the quantity left, with a fine estimated for the value of the quantity already sold. From the information supplied by the entries, it seems that tobacco might be had in Scotland between 1617 and 1619 at variable rates, according to quality and the mode in which it had been obtained,—the customary prices for good tobacco being 16s. per ounce and £5 or £6 per pound. An evidence of the increasing use of tobacco in Scotland about that time is furnished by the occurrence in December 1618 of the word "tobacconists" as a designation for dealers in tobacco. See the notice at p. 475. It may be a question whether the word was then first invented in Scotland or was imported ready-made from England. Another proof that tobacco was becoming very familiar is furnished by the fact that in the fore-cited grants of patents for the search of clay in Scotland it was pleaded that the clay would be useful for making tobacco-pipes.

As heretofore, by far the largest proportion of the criminal cases appealed to the Council, and that figure in their DECRETA, are *Assaults*. The varieties of form and circumstance in the Assaults recorded in this volume are endless; and whoever likes that kind of illustration of old Scottish character, old Scottish habits, and old Scottish humours, which is afforded by the study of such records,

will find reading enough in the volume to satisfy him. The descriptions of the assaults are generally vivid, and sometimes very amusing. What "bauch, bloody, and blae straikis" are inflicted; how the victims are left lying on the ground "for deid"; what fragments of bone are taken out of them afterwards; how long they lie bedfast! That there must have been monstrous exaggeration and even a little perjury in some of these descriptions, prepared as they doubtless were by law-agents according to an established formula of indictment for such cases, is proved by the frequency with which either a case is dismissed as not proven, or the plaintiff's charge of assault is met by a counter-charge of assault against him by the defendant. Assaults to which, on account of the persons implicated or some other peculiarity in them, reference may be made here, are that on an Edinburgh writer to the signet on his way to Aberdeen recorded at p. 294, that reported at p. 291 as having been committed by a tailor on Sinclair of Ganies in a house in Edinburgh where he was dining with the Earl of Caithness, and that on Thomas Lyell of Murthill which is the subject of a petition at pp. 621–622. As in the last case, assaults were often the outcome of previous "deadly hatred" between the parties; but it is observable that we hear less in this volume than in its predecessors of that kind of "deadly hatred" between individuals which had its origin in old *family-feuds*. There are traces in the volume, indeed, of the subsistence of such feuds still,—*e.g.* that between the Earl of Perth and Lord Livingstone (p. 54, p. 178), the old feud between two branches of the Lindsays (pp. 110–111), the feud between the Leiths of Harthill and the Leslies (p. 193, p. 248), and a feud between the Scotts and the Dalgleishes (p. 417). On the whole, however, King James had been so persistent in his policy of stamping out the old family-feuds in Scotland, and the Council were so vigilant in suppressing the reappearance of these feuds, or the seeds of new feuds, that feuds now figured for far less as causes of disturbance of the peace, in the Lowlands at least, than in former periods of Scottish History. We hear of nothing in the Lowlands so serious in this form as that feud between the Macfarlanes and the Buchanans in the Lennox Highlands of which mention has been already made.

——Often combined with assaults were the collective or more noisy breaches of the peace called *Riots*. As specimens of these see the account at pp. 57–59 of a riot in Brechin, with assault and prison-breaking, and the account at pp. 620–621 of a night-riot in the streets of Perth by a son of Graham of Claverhouse and some other young men after a tavern-debauch. Riots on Sunday, and even in church, were not unknown, and were likliest to arise when there was a dispute between persons or families as to the right to particular pews, or places for pews, in the parish-church. For examples see pp. 277–278, pp. 510–511, and pp. 512–514. The last of these cases is the most interesting.——Actions were frequent for what was called *Oppression*, or continued and systematic molestation. A common form of this violence was the invasion of a neighbour's lands, with the trampling down of his corn, the cutting of his ploughs, the assaulting or threatening of himself or his tenants, &c., all by way of asserting a claim to property in the lands or in mere revenge for a supposed wrong. Instances of such oppression of farmers and other country people will be easily found; but the reader ought not to miss the quaint example at pp. 539–540 of the oppression or molestation of Jean Bogle, a Glasgow spinster and householder, by a ne'er-do-well called John Sym. Some years ago she had admitted him into her house as a lodger, "being unmareit and thinking it very unfitt and unseamelie for hir to dwell and remane hir allane within the said house"; but, as of late he had fallen into arrears with his rent, and she had found out moreover what a disreputable character he was, "becomeing odious to all his nichtbouris" in fact, she had obtained decreet of removal against him from the magistrates. All in vain; for, on the very Sunday evening in which he had taken all his goods out of the house, "except onlie ane auld furme and ane "auld masking fatt, with some utheris trasche of the lyke soirte, not "worthie of the transporteing," he set fire to the house, and would have burnt it down, and her in it, had not the fire been "slockned" by the neighbours, and on the following midnight, after lingering about the house all day, he had burst in with a number of drunken companions of his, all armed, and had threatened the spinster so that she had to leave the house and find quarters elsewhere.

There had been some difficulty in apprehending the fellow ; but, having been brought to Edinburgh, certified by the magistrates of Glasgow as being and having been " ane vitious leivar and ane " committair and doair of sindrie oppressionis and wrongis within " the said citie," he is fined £40 and lodged in the Tolbooth.—— Records of three cases of *Abduction* will be found at pp. 276–277, p. 321, p. 323 (all relating to the same case), p. 342, p. 474, p. 572, and pp. 619-620. In one of these cases, if not in all, one can see that the action for redress was instituted by relatives because of their interest in the property of the abducted damsel, and that she herself had been a willing party and was quite satisfied. Notices of prosecutions for *witchcraft* will be found at p. 59, p. 320, p. 322, pp. 366–7, p. 401, and p. 412, all in the form of commissions to certain authorities for the trial of persons suspected.

At pp. 312–313 one reads of the punishment of the Sheriff-Clerk of Elgin and Forres for *overcharge* and *extortion*. For having sued an Elgin burgess for £30 and a boll of malt as the price of an extract of a legal document " quhilk contenit not abone half ane through of paper, " he was fined £30 and deprived of his office. At p. 336, however, he pleads for mercy on account of his age and his large family, and is restored. With this case we may connect several where the prosecution is for *abstraction or mutilation of documents*. At p. 483 there is a complaint of the kind by Allan Lockhart of Cleghorn against his son and his son's wife, but chiefly against the wife. A contract having been drawn up settling the marriage allowance to be paid to the two, and this contract having already been signed by the father and the son, but the signature of the son's wife being also necessary, " scho " come to the said complenairis house upoun the nynt day of No- " ember last ; and, scho being ressavit be him with these dewties " of hairtie love, kyndnes, and welcome quhilkis become a fader " to schaw to his dochter, scho maid the said complenair to beleve " that the cause of hir comeing wes to subscryve the contract, and " scho desyrit inspectioun thairof. And he, suspecting nothing les " then ony bad purpois or intentioun in hir, deliverit the contract in " hir handis ; and, scho pretending to go asyde to the windo to " reid it, scho verie undewtifullie and unmanerlie, be the direc-

"tioun and command of hir husband, raive the subscriptionis of the "said complenairis selff, and his sone, hir husband, frome it, and "then kaist it to the said complener in scorne, mockage, and "derisioun." The Lords order a re-signature of the document, and reserve the question of the further punishment of the lady. In another case of the same offence, where the culprit is again a lady, the Lords are equally lenient. It is the case, recorded at pp. 527–530, of James Scott of Huntlie against his mother-in-law Lady Newtoun, and is so good and so well told that it might easily be worked into the plot of a novel. Lady Newtoun, it appears, owing a certain sum of money to her son-in-law "for his tochergood," had at last, after many difficulties and attempts to evade the obligation, given him payment in the form of an assignation of 1000 merks and odd due to her by Walter Turnbull of Rafflat. Soon, however, repenting that she had done so, and "presomeing so fer of the said complenairis kynd affectioun to hir that he wad nevir haif distressit hir with payment of that sowme," she resolved, by hook or by crook, to get the document back. Coming therefore to complainer's house on pretence of a visit to her daughter, "and, being ressaved and welcomed be the complenair "with sic hairtie schawis of love and kyndnes as become a dewti-"full sone to his mother-in-law," she watched for an opportunity. It came on a Sunday. Then, complainer and his family having gone to the kirk, she had remained behind on some excuse or other, and, having access to all lockfast places in the house, had found the assignation among papers lying in defender's chamber, and immediately taken to horse and made off with it, "without a goodnicht or fairwele." Complainer, returning from church after sermon, and finding her gone, had guessed that something was wrong, and ascertained that the document was missing. "Quhair-"upoun he tooke his horse and followit hir; and, haveing ovir-"tane hir, and in verie modest and gentill termes, with all kynd "of respectis and dewtie, haveing demandit of hir quhairfore scho "mett the said complenair with so grite unkyndnes and took "away his propper write, scho preast at the first to deny the "same, bot, being guilty in hir awne conscience of the away-"taking of the said complenairis said assignatioun, hir awne un-

"constant and unsetled speitcheis bewrayed hir, and so scho "come to a confessioun that scho had tane the said assignatioun "and layd it by in a corner of the house,—offering to ryd bak with "him, and to lat him sie quhair it wes lyand. Whairwith he res- "tit satisfeit. Thay come bak togidder till thay come foiranent "the goodman of Sintonis house; quhair scho loote hir hat fall "as gif it had blowne af hir head. And, making that ane excuse "for hir to licht and to richt hir clotheis aboute hir, as scho pretendit, "scho went into the house, as seamed for that caus; and, being "tane ben to the chalmer, haueing the goodwyff of Sintonis servand "woman with hir, scho closit the dure and gaif the assignatioun to "the young gentilwoman to reid, becaus scho could not reid hir "selff. And, how soone scho hard and knew be reiding thairof that "it wes the assignatioun, scho askit of the gentilwoman quhair hir "subscriptioun wes. Quhilk being schawin unto hir undir the "handis of tua notaris, scho rave the subscriptioun fra it, and than "oppygned the dure and with a jesting and scornefull countenance "kaist the revin assignatioun unto the said complener with suche "disgracefull and vickyiid speicheis as wes moist unseameing in "the persone of a moder to so kynd and loveing a sone." The assignation having been produced before the Lords of Council by complainer, "batterit and put to agane," is pronounced valid in that state; and Lady Newtoun gets off with a rebuke only, while defender is ordered to give her a certain "bak band" which she claims and the refusal of which hitherto she pleads as the excuse for her conduct. One notes that, while Lady Newtoun could not read or write, the servant gentlewoman in the road-side house could do both.

The present section of this Introduction may be fitly concluded with some account of the three most remarkable capital prosecutions and trials that happened in Scotland through the period which our volume comprehends:—

The Trial of Gordon of Gicht and its Sequel.—George Gordon of Gicht, the most headstrong and unruly of that series of Aberdeenshire Gordons, known as the Gordons of Gicht, in whom unruliness, together with attachment to the Roman Catholic Religion, seems to have been specially hereditary, was, when our present volume opens, still at the horn as an outlaw for not having appeared to answer for the crimes of (1) murder

under trust, in respect of his having, in December 1615, in revenge for the slaughter of a brother of his by a certain Francis Hay, seized the said Francis Hay, carried him under guard to Aberdeen, and there, after a mock-trial before John Gordon, sheriff-depute of Aberdeen, and a packed jury of the Gordon connexion, chopped off the poor gentleman's head in the back-green of a private house in the Gallowgate, (2) the crime of having, in the subsequent February, gone with an armed force on horse and foot, carrying hagbuts and pistols, to a field near the water of Cruden, and there fallen upon three young brothers, relatives of the said Francis Hay, and known as the Hays of Brunthill, assaulting them desperately and wounding two of them. For a fuller account of both affairs see pp. lxxx-lxxxiii of last volume. As is there mentioned, the trial of the Laird of Gicht for these offences had been appointed to take place in Edinburgh on the 28th of August 1616; and, as all the Gordons of the north, with the Marquis of Huntly as their head, had ranged themselves on one side of the quarrel, and all the Hays of the north, with the Earl of Errol at their head, had ranged themselves on the other, it was to be a very important "day of law" indeed, and great precautions had been taken for the preservation of the peace in and round the Court in the Edinburgh Tolbooth. But, though the trial had actually begun on the day appointed, and the Earl of Errol and other representatives of the Hays had then made their appearance, there had, after ingenious preliminary argumentations by counsel on both sides, been an indefinite adjournment of the proceedings.——Not till after the opening of our present volume was the trial resumed. For notices of Gordon of Gicht as in Edinburgh in January 1617 and ready to take his trial, see p. 9 and p. 10; for the Council order fixing the 26th of February for the resumption of the trial and appointing six of the Councillors as assessors to Justice Sir William Hart on the great occasion, with the accompanying Council order to the Marquis of Huntly and all the Gordon following then in Edinburgh, and to the Earl of Errol and all the Hays then in Edinburgh, to keep quietly in their lodgings till fetched to Court in an orderly manner, see pp. 41-42; for fresh averments of fact bearing on the trial, see p. 625 and p. 45; and for the actual course of the trial in the eight successive sittings of the Court from the 26th of February to the 13th of March, see p. 47 n., p. 53 and n., p. 54, p. 55, and p. 64 n. There was vigorous exertion by counsel on both sides, with able employment of such technical objections and quirks of law as could be adduced in favour of either; and, as Justice Sir William Hart had fallen ill, matters seemed to be coming to a stop of their own accord when, on the 13th of March, they were brought to a stop authoritatively by a Council warrant ordering the postponement of the Court and of "all forder disputatioun in this cause" to the 18th of June. In fact, the trial had run aground, and was now stopped altogether. That this was by direct intervention of his Majesty, in consequence of a politic resolution on his part to smother up so formidable a feud as that

between the Gordons and the Hays, but at the same time with a leaning towards Gordon of Gicht and a desire to bring him off, might have been guessed from the curious coincidence that it was while the trial was in progress that the Marquis of Huntly was readmitted to his place in Council and to all his former honours after his long sequestration on account of his religious recusancy. See p. 48. But the conjecture is converted into certainty when we pass to p. 224 and p. 225 and foot-note. We there learn that, when the 18th of June arrived, and the trial ought to have been recommenced, his Majesty,—who had by that time been more than a month in Scotland, and was then in Edinburgh and holding Parliament there,—had taken the whole business into his own hands. This he had done by first changing the place of the trial to Aberdeenshire as the native shire of both parties, but afterwards undertaking to be judge himself and to settle the feud by his own decree-arbitral. It was on the 20th of August 1617, more than a fortnight after the King was gone from Scotland, that the Council despatched missives to the Marquis of Huntly and the Earl of Errol requiring them to give attendance on the 8th of September, and to bring with them respectively Gordon of Gicht and the three Hays of Brunthill (p. 224); and on that 8th of September, when these cited parties, with other Gordons and Hays, were duly present, it was announced to them that his Majesty's decreet-arbitral had been given, but that, before they were told its terms, they must promise to accept it and abide by it (p. 225). Whereupon, we are told, "in testificatioun of thair willing obedience to his Majestie "they choppit handis one with another, and promeist to burie all formair "greiffis, displeasouris, and unkyndnes standing amangis thame, and to "stand and underly and fulfill the decreet and sentence gevin and pro-"nunceit be his Majestie betuix thame." Thus was Gordon of Gicht a free man again; and on the 23rd of the following December, as we learn at p. 284, his relative John Gordon, sheriff-depute of Aberdeen, who had obliged him by pronouncing sentence of death upon the unfortunate Francis Hay, was also at full liberty.———A Gordon of Gicht might be at liberty, but could never be at peace. At p. 349, under date 10th April 1618, the laird is found again in trouble for violence to neighbours of his; and at p. 368, p. 369, and pp. 378–379, his brother Alexander Gordon, and his nephew William Gordon of Saphak, are found, in June 1618, in trouble for various outrages. These last might be worth dwelling on; but it is with the Laird of Gicht himself that we are concerned. Let the reader who would understand what manner of man *he* was pass to the long narrative given at pp. 395–399, under date 2nd July 1618, in the form of a complaint against him by Patrick Livingston of Inchcorsie and his brother Mr William Livingston. It is a narrative of extraordinary interest, and so masterly in wording and in literary effect that it might well have a place in any collection of specimens of old Scots prose. It may be abridged thus:—In the preceding April, Dame Margaret Stewart, Lady Saltoun, was lying ill at

her place of Corncairn; and on the 20th of that month Gordon of Gicht, who was interested in the will she might make, and knew that the two Livingstons were much about her and had influence with her, went, accompanied by his eldest son, and by some servants, all armed, to the place of Corncairn in quest of Patrick Livingston. Missing him there, and learning that he had gone to a baptism at Tullidone, they followed him thither. "Quhairof notice being gevin " to the said Patrik, he and all these that wer with him come furth and " mett the said George, ressaved him with all schawis of hairtie love and " kyndnes; and he acquat thame with suche outward formes of goodwill " and hairtynes as thay could haif wished, and past with thame to denner, " intertenying pleasant and familiair discourseis at the denner, with mony " promisis and attestationis of his best affectionis to the said Patrik and " his wyff. And efter denner thay accumpaneid him to his horsse, lookeing " for nothing les then that he had ony bad or sinister purpois in his hairt " aganis the said Patrik. Bot afore he tooke horsse he called the said " Patrik asyde unto him, and in presence of the minister of Rothemay he " begun to questioun him anent the testament and latter will maid be the " said laite lady, and quarrellit the said Patrik for suffering hir to mak " ony testament, as gif it had lyne in his pouer to have stayed hir, " alledgeing that all that scho had wes his birth-right, and that no utheris " had interesse thairto. And, the said Patrik haveing verie modestlie and " soberlie ansuerit him that it wes the ladyis will to mak a testament for " the weele of hir oyis, and that he had no reasoun, nather lay it in his " pouer, to stay and hinder hir, and that he wald quite *his* pairt of the " said testament for ane plak, so as he micht have his releif of twa " thowsand merkis quhairin he stood ingadgeit as cautionair to him self " for the said lady, he, not being content with this the said Patrikis ansuer, " burst furth in moist bitter and passionat speitcheis aganis him, protesting " and avowing with mony horrible aithes that he sould stryk ane daigger " to the said Patrikis hairt, and that he sould cleive him to the harne pane, " unles he causit the said testament ather to be nullit or reformit to his " contentment. And the said George, his sone, presentit ane bend pistollet " to the said Patrik, of purpois and intentioun to have schote and slane " him thairwith. And he and his said sone, and thair complices, had not " faillit at that tyme to have tane some unhonnest advantage of him, wer " not thay wer stayit be the gentilmen present and in company with the " said Patrik for the tyme. And so, finding him selff disapoint of his " blodie and wicked purpois at that tyme, he past away, with mony " threatningis to have the said Patrikis lyff gif the testament wer not " reformit agane the nixt meeting." Sixteen days then passed; and on the 6th of May the Laird of Gicht, having meanwhile heard that the dying lady had had a conference about her affairs with Mr William Livingston, and that Mr William had gone after the conference to his brother Patrick's house in Rothiemay, rode to Rothiemay, with armed attendants as before. "And, the said Mr Williame persaveing him comeing, he

" addrest him self to meete him, expecting all freindlie and kynd useing " of him, in respect of the mony good officeis done be the said Mr Williame " to him and the mony promeisis of freindship maid be him to the said " Mr Williame. And, at the said Mr Williames first meeting with him, " he persaveing the said Patrik walking some space asyde with the " minister of Rothemay, he brak at him in a grite raige and furie, and " with verie grite difficultie wes he stayed be some personis present for " the tyme. And, the said Mr Williame being informed that Sir James " Skene of Curriehill, ane of the nomber of the Lordis of Prevey " Counsaill, wes than newlie lichtit at the Kirk of Rothemay, he past " unto him, acquentit the said Sir James with the lawles and insolent " cariage of the said Laird of Geicht, and humelie desyrit him, as ane of his " Majesteis Prevey Counsaill, to bind the said Laird to the peace. Quhilk " the said Sir James did." All of no avail ; for, on the 13th of May, the two Livingstons being then at Corncairn with the dying lady, the Laird of Gicht, though he did not this time go in person, sent his wife, his eldest son, and two of his servants to Corncairn to demand that the brothers should cause the lady's will to be reformed to his contentment, " or ellis it sould be the darrest testament that euir wes maid in the North." Lady Saltoun having plainly declared that she would not alter one word of her will, and the Laird of Gicht having received a message to that effect, this is what happened :—" Upoun the morne thairefter, being the " fourtene day of Maij, he, accumpanied with George Gordoun, his eldest " sone, James Baird in the Mayne of Geicht, William Prat in Munskishill, " William Stewart in M^cTarie, George Gordoun in Lethintie, Waltir " Ogilvy in Dudweik, Patrik Sinclair of Achannachie, Johnne Abirnethie, " Johnne Alexander, and Alexander Broun, servitoris to the said Laird of " Geicht, and with convocatioun of his Majesteis leigeis to the nowmer of " ten personis, all bodin in feir of weir with jackis, secritis, steil-bonnetis, " tua-handit swerdis, and utheris wapponis invasive, and with pistolletis " prohibite to be worne as said is, come to the place of Cornecarne, " quhair he thocht to have surprysit the saidis Patrik and Mr Williame " at denner tyme or evir thay had bene war of him. And, quhen he " come to the place, finding the yettis oppin, he appointit tua of his " servandis to guard the yet, and he send ane uther up to the hill to " try and persave quhair thay wer sitting, resolveing, gif thay had bene " togidder, to have slane thame at that same instant. Bot, seing be the " providence of God the said Patrik wes a litle before riddin to Rothemay, " he directit his servand James Baird to the said Mr Williame, desyreing " him to come and speik with him. And, the said Mr Williame being " sitting at his denner, he rais presentlie frome the table and went unto " him single and allone without company or wapponis, dreiding no harme " of him, seing, as the said Mr Williame apprehendit, all his miscontentment " wes aganis his said bruther. And, quhen the said Mr Williame come " unto him, his servandis past betuix the said Mr Williame and the yet, " and thairby cutt him schorte of all meanis of retreate to the house.

" And he him selff enterit in most dispytfull and railling speetcheis aganis
" him, commanding the said Mr Williame presentlie to gif him
" satisfactioun in that mater of the testament, or ellis he sould have the
" said Mr Williames hairt bloode and that he sould wasche his handis
" in his blood. And, the said Mr William haveing opponit aganis his
" furie his awne innocence and impossibilitie to gif him contentment in
" that mater quhairwith he burdynit him, and then the respect quhilk
" he aucht to carey to his Majestie and his lawis, and the havie wraith
" and judgement of God that wold still persew him gif he medlit
" with the said Mr Williame his innocent blood, yit nothing could
" content him, bot with horrible aitheis he avowed that nane sould
" releve him out of his handis, and that he sould ding a sword throughe
" thame that durst presome to releve him, uttering in this meanetyme
" mony disdanefull speitcheis aganis his Majestie and his lawis, saying
" that he knew the Wynd of the Tolbuith and how to gyde his turne, and
" that he hes had to do with the gritest of Scotland and had outit his
" turnis aganis thame. And in this forme he detenit and held the said
" Mr Williame the space of tua houris as a prisonner undir his power;
" during the quhilk haill space the said Mr Williame euir expectit that
" he sould have put violent handis in his persone, and that he sould have
" tane his lyff. And at last he proponnit this overture unto the said
" Maister Williame,—that he wold spare his lyff gif he wold bring his
" bruther out of Rothemay unto him. Quhilk propositioun being with
" reasoun rejectit be the said Mr Williame, as a mater unworthie to be
" hard of and most unnaturall to have bene performit on his pairt, he
" than urgeid the said Mr Williame to go with him to Rothemay, and that
" he sould tak on with him and that he sould decyde his querrell with
" the said Mr Williame and his bruther. Quhilk being of the nature of
" ane challange, he wes forcet to undirtak the same, purpoislie to be red
" and quite of the said George truble. And so, thay being sinderit, he
" past in to the place, and with grite intreaty wes moved to tak some
" refreschement, and then to ly doun and tak rest. Bot he wes so fer
" distemperit and careyed with a cruell purpois of revenge as he could
" tak no rest, bot rease immediatlie, saying to his wyff, 'Jeane, I can
" tak no rest. I knaw I will die upoun a scaffald. Thair is ane evill
" turne in my hand, quhilk I avow to God presentlie to performe.' And
" with that he maid searche for the said Mr Williame, sua that he wes
" constrayned to reteir him selff to ane quiet chalmer and to hyde him
" selff. And, he persaveing that he could not get the said Mr Williame,
" he with all haist, accumpaneid with George Gordoun, raid to Rothemay,
" thinking to have surprysit the said Patrik unawaris. Lyke as, he
" being walking in quiet maner afore the yet, he wes almoist surprysit
" of him, and with grite difficultie relevit him self within the house.
" The yettis quhairof being closed and locked, he chopped verie rudlie
" at the yet, crying and schouting unto the said Patrik to come furth,
" that he micht have his hairt blood; bot, finding him self frustrat of

" his wicked purpois, he come bak immediatlie to the place of Cornecarne, " resolued to have had the said Mr Williames lyff, avowing with mony " horrible aithes that he sould nevir see Geycht till he had the said " Mr Williame and his brotheris lyff, and that it sould coast him his laird- " schip of Geycht or he sould have thair lyveis, saying thay had bound " him to the peace and that he caird not for the peace; he had doubled " out his turne aganis the best in Scotland; and that he sould go mad, " lyke Richie the foole, gif he wer not revengeit upoun thame. And he " remanit in the place all that day and tua dayis thairefter, threatning " the deeing lady to reforme hir testament. And, finding hir constant " in hir resolutioun to stand be that quhilk scho had done, he send com- " missionairis to the saidis Patrik and Mr Williame to Rothemay, " quhairunto the said Mr William had reteirit him selff in the nicht for " eschewing of his raige and furie, commanding thame outher to caus " him ressave satisfactioun in that mater of the testament, or than " assuire thame that no house in the North sould keepe thame, and " behavit him selff so ruidlie and insolentlie within the place of Corne- " carne in the sicht and presence of the diseasit aiget lady that without " all doubt he haistned hir death, quhilk fell out that tyme."——Such was the narrative before the Lords of Council on the 2nd of July; on which day, the brothers Livingston being present, and also the Laird of Gicht, who appeared not only for himself but also for his son and the servants inculpated with them, the Lords committed the Laird to custody in the Castle of Edinburgh, fined him 500 merks, required him to produce his son, who, though "bot ane young boy," had been permitted by him to go about in his company carrying pistols, and moreover, in consideration of the peculiar lawlessness of his previous career, ordered him and his son to find caution in 10,000 merks each for their future good behaviour, with caution in £500 not to carry hagbuts and pistols, and with lawburrows in 5000 merks each to the two brothers Livingston.—The line of the Gordons of Gicht has been long extinct, the last of them, and sole surviving owner of the Gicht estates, having been Catherine Gordon, the mother of Lord Byron. But the ruins of the old Castle of Gicht may still be seen on the edge of a picturesque dell, some miles from Haddo House, the main seat of the Earls of Aberdeen. The Gordons of Haddo, the ancestors of those Earls, were near neighbours to the Gordons of Gicht and must have known them well; and there was, we are told, an old local legend prophesying that the lands of Gicht would be merged in those of Haddo, and that the sign of the approaching event, and of the extinction of the family of Gicht, would be the flight of certain herons from their accustomed nesting-place among the trees about Gicht Castle to those about Haddo House. One day, the legend adds, word was hastily brought to Haddo House by a servant,—it must have been in the time of the 3rd Earl of Aberdeen, the grandfather of 4th Earl, remembered now as the Premier or Statesman Earl,—that the herons had come from Gicht and were hovering about the Haddo trees.

"Let them bide," is said to have been the Earl's answer, "and the lands will soon follow." And so it came to pass; for in 1787 that same Earl purchased from Catherine Gordon, then the wife of the spendthrift Captain John Byron, the whole of the Gicht estate for £17,850, and since then the property of the Haddo Gordons, Earls of Aberdeen, has included Gicht Castle and all else that once belonged to the wild old Gordons of Gicht. But must not the wild family characteristics have been transmitted to that other George Gordon, the one immortal of the name, who was born in 1788, only a few months after the loss of the lands to which he would have been heir? Who can read the foregoing narrative, and especially the explosive passages of self-description in it, without recognising the Byronic temperament in that progenitor of Lord Byron who was the actor and speaker?——A week after the Laird of Gicht had been committed to Edinburgh Castle, he did obey the injunction to cause his son to appear before the Council, with the result that the boy became his fellow-prisoner in the Castle (p. 406). They had been there together, however, but for a day or two when, the required caution having been found for their future good behaviour, they were released (p. 408 and p. 412). From about the 10th July 1618, therefore, we have to imagine them back at Gicht or elsewhere in Aberdeenshire among their kindred Gordons. Eleven months later, *i.e.* on the 9th of June 1619, we find the Laird becoming cautioner for two of those Gordons, one of them actually a Haddo Gordon (p. 591); and our last glimpse of him is at p. 592, when, on the 10th of the same month, he is found prosecuting a certain Andrew Meldrum, called of Drumbrek, for carrying firearms.

Case of Mr Thomas Ross.—This was a half-crazed unfortunate, the son of a Perthshire laird, who, loafing about Oxford in a poverty-stricken condition, had sought to attract attention to himself by a mad pasquil against the Scottish nation, in the form of a thesis for public debate in the University. He was arrested, sent to Edinburgh by the King's order, tried there, sentenced to death, and actually executed on the 11th of September 1618. For the story in full see footnote pp. 447-449.

A Trial for Witchcraft.—Reference has already been made (*ante*, p. cxxx) to a few notices of prosecutions for witchcraft contained in the present volume; but the particular case to be attended to now is that mentioned first at pp. 366–367 and afterwards at p. 401. On the 2nd of June 1618, as we learn from the first entry, a commission was given by the Privy Council to certain officials in Irvine for the trial of a John Stewart, vagabond, and Margaret Barclay, wife of Archibald Dean, burgess of Irvine, for practising witchcraft against John Dean, her brother-in-law, "and procuring thairby the distructioun of the said Johnne and "the drowning and perisheing of the schip callit the *Gift of God*," with her passengers and cargo. In the later entry, dated the 2nd of July, an Isabel Shearer or Crawford is conjoined with Stewart and Margaret Barclay in the accusation, and Andrew Tran, Provost of Irvine, and an Abraham Howie, are named, besides John Dean, as among the persons

wrecked in the ship. As the trials were to be by commission and at Irvine, no more is heard of them in the Privy Council Register; but a long account of them, derived from the local records, is included in Sir Walter Scott's *Letters on Demonology and Witchcraft.* From this account it appears that the Earl of Eglintoun, whose residence was near Irvine, was called in to help the appointed justices, and also that Mr David Dickson, minister of Irvine, and several ministers from adjacent burghs, took an active part in the proceedings. It also appears that an Isobel Insh or Taylor was added to the three culprits above named. From the confessions of Stewart and of the three women (those of Margaret Barclay and Isabel Crawford elicited under torture), and from the evidence of a child of eight years old, the daughter of Isabel Insh, there did piece itself together a rigmarole story, not unlike that suggested by these lines of the witch-chorus in *Macbeth*:—

> "Her husband's to Aleppo gone,
> Master of the *Tiger;*
> But on a sieve I'll thither sail,
> And, like a rat without a tail
> I'll do, I'll do, I'll do."

In this case, however, the revengeful plot was not by an old hag practised in witchcraft, but by a young married woman, who became a witch for the nonce. In other words, Margaret Barclay, the wife of Archibald Dean, a respectable burgess of Irvine, had been mortally offended by Janet Lyal, wife of John Dean, her husband's brother, who was skipper of an Irvine ship called *The Gift of God*; and, when the said John Dean's ship went to sea, with Andrew Tran, Provost of Irvine, and part-owner of the cargo, among those on board of her, the said Margaret Barclay had been heard "praying to God that salt-water "might never bear the ship, and that partans might feast on the crew at "the bottom of the sea." That the ship went down off the English coast there was no doubt; for had not the vagabond John Stewart brought the news to Irvine, and was it not confirmed by the arrival soon afterwards of two sailors, the only survivors of the crew? Yes! but how had Margaret Barclay, in her house in Irvine, effected that disaster on the coast of England? Nothing simpler! Had she not consulted with the vagabond Stewart, as an expert in the black art; and had she not, at the dead of night, moulded clay figures of the ship and crew, one of them a fair-haired figure to represent Provost Tran; and had not Stewart, and Isabel Insh, and Isabel Crawford, either been there to help, or gone with her, still at night, to the sea-side, where the figures were thrown into the water; and had not the Devil been among them, both in the house and at the sea-side, in the shape of a black lap-dog? All which having been proved to the satisfaction of the lay and clerical inquisitors, what but one issue was possible? Two of the prisoners, indeed, avoided their doom,—Stewart by hanging himself in his cell, and Isabel Insh by mortal injuries in falling from the church-roof in

an attempt to escape from her confinement in the belfry; but Margaret Barclay and Isabel Crawford were strangled at the stake and burnt. They were the two that had been put to the torture; and both, of course, had retracted their confessions when the torture was removed. "All I have confessed was in agony of torture, and before God all I have spoken is false and untrue," were Margaret Barclay's words on her last appearance in Court. Her husband was then in Court, apparently for the first time. "Ye have been too long in coming," she said, looking at him.

VI. FOREIGN RELATIONS.

Large England lying interposed as a buffer between little Scotland and the politics of the Continent, there are but few entries in the present volume that can come properly under this heading in addition to those, already disposed of, which relate to the King's proposal for the restraint of the employment of foreign ships in Scottish commerce. Such entries of the kind as there are, however, are not without interest.

It may be remembered that a specially active man in the prosecution of a Pole, named Stercovius, for penning and circulating in Poland a libel against the Scottish nation, and in getting the poor fellow hanged there, was Mr Patrick Gordon, his Majesty's agent at the Court of Poland (*ante*, vol. x, pp. 191–3, 251). This Mr Patrick Gordon reappears at pp. 174–178 of our present volume. On the 3rd of July 1617, as we there learn,—*i.e.* while his Majesty was himself in Scotland to take cognisance of the occurrence,—he was called upon to answer before the Privy Council in Edinburgh to certain complaints against him for gross neglect of the duties of his Polish agency. The complainer is a Gilbert Wilson, a Scottish merchant in the Polish town of Peterco, but now on a visit to Edinburgh; and his indictment against Gordon is very strong indeed, and extremely well-drawn. It begins by stating that in a recent Polish Parliament at Warsaw an edict had been passed imposing on every Scotsman resident in Poland a tax of two guldings yearly "for his head," and that, this tax having caused great resentment among the Scots in Poland,—the rather because it was

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" that same slavishe toill and impositioun layd upoun the Jewis, " and quhairwith no utheris Christeanes bot onlie the borne " subjectis of this kingdome wer burdynit,"—there had been meetings and conferences on the subject, with the result that complainer and another Scot had been deputed to go to the King of Poland's Court and urge the repeal of the edict. They had succeeded so far as to procure the suspension of the edict till next Parliament; but, before that Parliament could meet, complainer had to go to England on business. Such of his fellow-countrymen as he met in London feeling no less warmly on the subject of the insulting edict than the Scots in Poland did, he had been advised by them to apply at once to his Majesty himself, and to solicit from his Majesty a letter of remonstrance to the King of Poland. There had been an interview with his Majesty accordingly, in the course of which his Majesty had naturally asked what his agent Mr Patrick Gordon had done in the matter. Complainer having then " schawne unto his Majestie, as the treuth wes, that he had " nevir sene nor knew not the said Mr Patrik, and that he had " nevir kythit nor delt in this busynes," his Majesty, while probably taking private note of that fact, had written to Mr Patrick, requiring him to exert himself. Meanwhile, though the edict had not been withdrawn, and indeed was still in force in Poland, it had been made less offensive in form by the substitution of the word " person " for the word " head," so that the tax on the Scots was no longer a poll-tax like that on the Jews; but even this had been " nawyse be the procurement of the said Mr Patrik," but by the independent exertion of the Scots who were interested collectively. Nor was this the only complaint to be made against the said Mr Patrick. It had so happened that a certain Thomas Forbes, a born Scottish subject of his Majesty, who had been in Poland for some time, had left that country on a visit home, and that two unnatural fellow-countrymen of his had taken advantage of his departure by first procuring from the King of Poland a forfeit of a fourth part of the said Thomas's goods remaining in Poland, and then spreading a report of his death, with the effect that all his remaining goods in Poland

would be escheated to the Polish crown. This was about a twelvemonth ago ; and the said Thomas, who was then in Scotland, had asked complainer's advice in the circumstances. Complainer's advice had been that his Majesty should at once be informed of a transaction "quhilk seames to induce a preparative aganis his Ma- "jesteis haill subjectis remaneing in Poill that thay sould forfeyte "the fourte pairt of thair guidis gif thay transportit ony pairt "thairof oute of Poill, and, gif thay deit without the cuntrey, "that the haill guidis and geir pertaining to thame being within "the said cuntrey sould befall to his Majesteis said bruther." From his Majesty, when thus applied to, letters had been obtained both to the King of Poland and to Mr Patrick Gordon ; but, as Thomas Forbes was afraid to go into Poland himself with the letters, complainer, who was returning to Poland at any rate, undertook, "out of his affectioun to his cuntreypeople allanerlie," to carry and deliver them. "And, comeing with the saidis "letteris to Danskene, and forgaddering thair with Mr Patrick "Gordoun, he deliverit the saidis letteris to him. At the ressett "quhairof he enterit in verie bitter and hott speitcheis aganis "the said complenair, saying that he wes over malapairt to mak "ony complaint to his Majestie, seeing *he* wes appointit for that "eirand ; and with that upbraidit the said complenair, calling him "a mutyner and sawer of seditioun betuix his Majestie and the "said King of Poill. And he not onlie concealit his Majesteis let- "teris writtin be his Heynes to his said darrest bruther and maid "no deliverie of the same, bot with that he [so] abusit and threat- "nit the said complenair that, to be quite of his trouble, he wes "constraynit to pay unto the said Mr Patrik ane hundreth Un- "gairis ducattis, extending to sevin hundreth merkis Scottis or "thairby." Further, Mr Patrick, fearing new representations to his Majesty by complainer, had written to his Majesty, giving complainer the worst character possible, and had tried to obtain a prohibition of complainer's return to Scotland. Complainer, so long as he remained in Poland, had firmly stood his ground against Mr Patrick, and had even done his best to checkmate Mr Patrick in another case of forfeiture of a Scotsman's goods, similar to that of Thomas Forbes ; and the consequence had been

such exasperation of Mr Patrick, with such renewed efforts by him for the injury of complainer, that complainer had been compelled to leave Poland, and his wife, children, and property there, and come home for redress.——Mr Patrick Gordon, being present in person, as summoned, to confront complainer and to answer to the complaint, pleads first that the 700 merks mentioned in the complaint were not exacted from the complainer wrongfully, but were due on a private account; and the Lords of Council, finding this objection relevant, adjourn the case till the 29th of the following April, that Mr Patrick may have time to produce his proofs on that point. He names five Scots living in Danskin or near it to whom he can appeal for the necessary testimony; and, complainer at once signifying his willingness to abide by the testimony of those persons, the Lords ordain that letters be sent to the burgomasters of Danskin requesting them to examine the said witnesses on oath, in presence of complainer should that be possible, and to transmit a report in writing of the evidence so elicited. Meanwhile Mr Patrick is to deposit 700 merks in the hands of the Clerk of Council, to be left there till the issue on that point shall be seen. And so Mr Patrick might have walked out of Court and had a respite for eight or nine months, had not the clever Gilbert Wilson tabled an "eik," *i.e.* an addition, to his general complaint. This was to the effect that Mr Patrick, when he received the charge of the Council to appear and answer to the general complaint, had "avowit and protestit to caus cut the luggis oute of the said Gilbertis head"; and, the said Gilbert having, by the oaths of several witnesses whom he cited, clearly proved that the words of threat had been actually spoken, Mr Patrick was rebuked for the insolence, and committed to ward in the Castle of Edinburgh, there to remain at his own expenses till formally liberated.——For the sequel of the case see pp. 357–358 and p. 362. It there appears that, when the 29th of April 1618 came round, to which the case had been adjourned, there was no meeting of Council, but that, on the 13th of May following, the case having been again called, and Gilbert Wilson then appearing by counsel, and by a burgess of Edinburgh acting as his private friend, but Mr Patrick Gordon making no

appearance whatever, the 700 merks were declared to belong to Gilbert Wilson.

From Poland we pass to Denmark. At p. 328 under date 12th March 1618, will be found a Proclamation of his Majesty and Council, occasioned by a complaint from the King of Denmark that for several years Scottish fishermen have been frequenting the coasts of the Faroe Islands—"Ile of Fara," the property of the Danish Crown, and, by pursuing their craft there, have interfered with the fishing rights of his Danish subjects, and thereby rendered them unable to pay him his royal dues. The Proclamation, after taking cognisance of a certain excuse urged in behalf of the Scottish fishermen for their going so far off as Faroe to fish, declares the excuse to be inadmissible, and prohibits continuance of the practice, as against the law of nations and inconsistent with his Majesty's special desire to "keepe and interteny all princelie dewteis of correspondence" with his brother of Denmark, enacting that no Scottish subject shall presume thenceforth to fish within sight of the Island of Faroe under pain of confiscation of his ship and goods and further punishment. Three months after this Proclamation, *i.e.* on the 18th of June 1618, there was addressed to Christian IV., King of Denmark, the Latin letter from the Scottish Privy Council which will be found at pp. 629–630, among the Miscellaneous Papers. Assuming that his Danish Majesty reciprocates the kindly feelings of his Britannic Majesty expressed in the recent Proclamation, it requests his Danish Majesty's good offices for the restoration of an Orkney ship, with her cargo of butter, oil, hides, &c., which had been arrested about seven years before at Bergen in Norway, and had been the subject of complex litigation ever since.

The excuse which had been tendered on behalf of the Scottish fishermen for their intrusion into Danish waters is only hinted at in the above-cited entry at p. 328, but is stated explicitly in the subsequent entry of the same day at pp. 329–330. If it was wrong for Scottish fishermen to fish in Danish waters, why should Dutch fishermen be allowed to fish in Scottish waters? This was substantially the argument used before the Council by the commissioners for the Fifeshire burghs of Crail, Anstruther,

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and Pittenweem, and also from Musselburgh and Fisherrow, who had been deputed to defend the fishing on the coasts of Faroe. Why did the poor fishermen of the Fifeshire towns and the Firth of Forth go so far north for their fishing as the Danish Islands? Why but because "thay wer drevin thairto upoun necessitie "and by the violence and oppressioun of the Hollandaris, who "comes yeirlie with ij^{m} saile and abone within his Majesteis "watteris and within a myle of the continent of Orknay and "Yetland, and, thay not contented with the benefite that the "libertie of thair fisheing within the saidis boundis affordis "yeirlie unto thame, thay do verie havelie oppres his Majesteis "poore subjectis and fisheairis, stoppis thame, houndis and "chaisis thame frome thair fischeing, cuttis thair nettis, "threatnis thair lyveis, and thairby compellis thame, who ar a "nomber of poore people haveing no other trade quhairby to "manteene thair families, to seeke thair fischeing elsquhair "and far frome thair awne coist, with grite tormoyll, travell, "trouble, and chargeis"? The Council, though they could not allow this argument to hold good for the purpose for which it was pleaded, perceived its importance, and at once reported it by letter to his Majesty, requesting his Majesty to enter into negotiations with the States General of the United Provinces with a view to stop the yearly concourse of Dutch fishers to the Orkneys and Shetlands and to other Scottish fishing-grounds.—— The important business thus initiated in March 1618 extends itself through all the rest of our volume. At pp. 439–440, under date 9th Sept. 1618, may be read a royal letter, together with an Act of Council, appertaining to the business. His Majesty, perceiving that the States General of the United Provinces might allege that there had never been any formal challenge hitherto of the rights of the Dutch to fish on the Orkney and Shetland coasts, inasmuch as no duties had been heretofore demanded from Dutch vessels fishing there, had resolved, as the annual fishing season was then drawing near, to repair that defect by sending a ship to the Orkneys to make the demand; and the Council, in accordance with his instructions, and with the advice of Sir Alexander Drummond

of Medhope, as Scottish Admiral-Depute, charter for the northward voyage a ship of Leith called *The Restore*, commanded by a David Gairden, and arrange with a Patrick Bruce and a Walter Ritchie to go in the said ship as his Majesty's agents to crave his Majesty's duties from such Dutch vessels as they may find in the fishing-grounds. They are, however, to crave them "in fair tearmes and in calme and peciable maner," and to accept whatever answer may be given without further dispute or question. Our next information on the subject is in a royal letter of 7th November 1618, printed, among the Miscellaneous Papers, at pp. 631–632, and in an Act of Council based on this letter and printed at pp. 462–463, with repetition at pp. 468–469. The States-General, it seems, had signified their desire for an amicable settlement of the dispute, and for that purpose were to send Commissioners to confer on the whole subject with such Commissioners as his Britannic Majesty might appoint; and the Scottish Council now, by his Majesty's orders, make out the necessary Commission under the Great Seal to the Duke of Lennox, as Admiral of Scotland, with the Marquis of Hamilton, Lord Binning, and Clerk-Register Sir George Hay. They, or any two of them, are to treat with the Dutch Commissioners anent any rights or privileges of fishing in Scottish waters that the States-General may claim, and anent reparation for any injuries that may have been done to Scottish subjects by Dutch fishers in those waters; and they are to concur with English Commissioners that have been appointed to take part in the treaty, with a view to such a final and friendly settlement as may secure the "continuance of peace and amitie" between his Majesty's realms and the United Dutch Provinces. All this notwithstanding, the business was certainly not ended in June 1619, when our volume closes. At pp. 602–603 will be found certain orders of the 24th of that month relating to his Majesty's war-ship *The Charles*. That ship, of which and of her commander Captain David Murray we have heard more than once already, had been recently brought into Leith harbour, to have the artillery taken out of her, her crew discharged, and her captain pensioned off,—all to save expense (pp. 593–594); but

now the orders are that two small cannons and ten muskets, with some bullets and gunpowder, shall be left in her, and also that a sufficient number of expert mariners be immediately engaged or pressed to serve in her for a voyage to Orkney and Shetland, and that Captain Murray be again on board of her by the 1st of July to command in that voyage. The hurry is explained by subsequent entries at pp. 605–607 and pp. 608–609, dated 29th June. The first of these contains, and the second repeats, an Act of Council appointing Mr John Fenton to go in Captain Murray's ship as his Majesty's Commissioner to the North Seas, with powers "in his Majesteis name to ask, crave, ressave, intromett with, and "uplift frome those of Holland, Zeland, Hameburgh, Embdene, "and Rustok, and frome all utheris strangeris haunting the trade "of fisching in his Majesteis saidis seas this present yeir, his "Majesteis rent of assise and teynd of the haill fisches taine or "to be taine be thame in his Majesteis saidis seas and wateris "this present yeir, compting his Majesteis assise dewytie to ten "thowsand herring for every busche of herring and a last of "quhyte fische for every busche of quhyte fische, or els to ressave "frome thame the sowme [of] sax pundis xiij ʃ. iiij đ. usuall money "of this kingdome for everie thowsand of the said assyse herring "and fiftie pundis money of this kingdome for every last of the "said assise of quhyte fische, and accordinglie for everie thowsand "of teynd herring and for everie last of teynd quhyte fische, at "the optioun of the payairis." The Act also appoints a Mr James Brown to accompany Mr Fenton as notary for taking legal record of the proceedings; and appended to the Act is a copy of his Majesty's instructions to Mr Fenton for the conduct of his delicate mission. They are worth reading as a specimen of very cautious and very exact diplomacy; and their substance may be expressed by saying that Mr Fenton was to exert his sharpest wits for the assertion of his Majesty's claims in every particular, but at the same time to behave with the most punctilious politeness and suavity, noting every refusal or contested point but not pressing it to dispute, and by all means avoiding a rupture. There is some significance, however, in the fact that it was in a war-ship, with two cannons peering from her portholes, that Mr Fenton was

to make his appearance among the Dutchmen on the Orkney coasts.

Registrable under the heading of Foreign Relations only by courtesy is a story which may be gathered from six of the Miscellaneous Papers printed at pp. 638–641. It is the story of a poor Frenchwoman who, after having been married in France to a Scotsman named John Hamilton, had been brought by him to Ireland, and there shamefully deserted and left destitute, the rascal having gone off to Scotland with another wife and carried with him all she had, including some pretty dresses. He had taken refuge with his relatives in Paisley, and she followed him thither. As the story is not concluded within the present volume, this mere reference of it may be enough meanwhile, the rather because, so far as it does go in the present volume, it is very well told in the documents themselves.

VII. PERSONAL MEMORABILIA.

For the personal composition of the Privy Council at the date of the opening of the present volume, see the Introduction to last volume, pp. v-xii. When the long list there given is checked for removals by death, &c., it appears that about 40 persons who had been of the Council before the close of 1616 continued to be of the Council through at least a portion of the period spanned by this volume. Of these the most constant in attendance were still, of course, those that may be called the ministerial members, consisting of State Officers and Judges and Lawyers. Chancellor Dunfermline himself stands highest for regularity of attendance, the recorded sederunts showing him to have been hardly ever absent from a Council meeting. Next in order in this respect come Lord Advocate Sir William Oliphant, Treasurer-Depute Sir Gideon Murray of Elibank, Secretary Lord Binning, Justice-Clerk Sir John Cockburn of Ormiston, and Sir James Skene of Curriehill. At some little interval come Mr Peter Rollok of Piltoun, Sir Alexander Drummond of Medhope, Lord Privy Seal Sir Richard Cockburn of Clerkington, Sir William

Livingston of Kilsyth, Sir Andrew Hamilton of Redhouse, and the Master of Elphinstone. Not far off from these are Lord High Treasurer the Earl of Mar, Sir Robert Melville of Burntisland, Lord Clerk Register Sir George Hay, and Sir Andrew Ker of Oxenhame. The sixteen thus named were, one may say, the transmitted nucleus of the Council, always to be depended on when wanted. The peer most frequently with them was the Earl of Lothian; next to whom, though a good way off, one notes the Bishop of Ross, Lord Cranstoun, and the Earl of Winton, whose rate of attendance was somewhat less than once in three meetings. Archbishop Law, Lord Buccleuch, and Archbishop Spotswood attended more seldom, and the Earl of Roxburgh, Lord Scone, the Earl of Perth, and Lord Gordon, more seldom still. One thought one had done with Sir Peter Young, the preceptor of the King long ago under George Buchanan, and known of late in the Council as his Majesty's *Eleemosynar;* but lo! at p. 267, under date 27th November 1617, the old gentleman reappears at the Council Board, and he is back there at intervals thenceforward for more than twenty attendances in all. Present but occasionally were the Marquis of Hamilton, the Earl of Abercorn, and Lord Burley. The recorded attendances of the Earl of Glencairn, the Earl of Argyle, the Earl of Linlithgow, and Sir William Alexander of Menstrie, through the entire two years and a half of our volume, are not more than about a dozen each; and the Duke of Lennox was so seldom in Scotland that his appearances in the Council were not more than about half as many. Present but about three or four times each were the Earl of Montrose, Viscount Fenton, Lord Colvill of Culross, and the Bishop of Caithness.

So much for the continued attendance in the present volume of those who had been of the Council already. We have to take account now, however, of a considerable number of additions to the Council made within the limits of the present volume, *i.e.* between 1st January 1617 and 30th June 1619. These were as follows:—

Jan. 9, 1617.—William Murray, Earl of Tullibardine, admitted of the Council (p. 1). For a good while after his admission he attends very

steadily,—about as steadily as the Earl of Lothian; but he drops off before our volume closes.

Jan. 21, 1617.—David Carnegie, Lord Carnegie of Kinnaird, admitted of the Council (p. 11). He attends thenceforward with great regularity, —about as regularly as the Earl of Mar or Hamilton of Redhouse. He had been of some note in Scottish politics already, and had been raised to the peerage and made an Extraordinary Lord of Session in 1616; and he was to be eventually Earl of Southesk.

Feb. 27, 1617.—The Marquis of Huntly readmitted of the Council, and reinstated at the same time in all his honours (p. 48). His attendances in the course of the volume are, however, very few,—not more than about half of those of his son Lord Gordon, who had been of the Council since January 1616.

May 18, 1617.—George Villiers, Earl of Buckingham, admitted of the Council at its first meeting in Holyroodhouse during the King's visit to Scotland, his Majesty himself present (p. 137). The young Englishman attended twice afterwards (p. 202 and p. 210). In January 1618 he was to be Marquis, and in May 1623 Duke, of Buckingham.

June 22, 1617.—James Hay, Lord Hay of Sala, *i.e.* of Sawley, Co. Cumberland, admitted of the Council (pp. 156–159). He was a Scot who had attended or followed James into England, and been in such favour as to be made an English peer. From being Lord Hay of Sawley he was to rise in 1618 to be Viscount Doncaster, and in 1622 to be Earl of Carlisle. There is no record in our volume of his having been present again in the Scottish Privy Council.

June 24, 1617.—Thomas Howard, Earl of Arundel and Surrey, admitted of the Council (pp. 163–166). Never present again.

Same day.—William Herbert, Earl of Pembroke, admitted of the Council (pp. 163–166). Present twice afterwards (p. 202 and p. 210).

Same day.—Edward La Zouche, Lord Zouche of Haryngworth, admitted of the Council (pp. 163–166). Never present again. He had succeeded to his English peerage in 1571, being then a minor.

Same day.—Sir Thomas Lake, English Secretary of State, admitted of the Council (pp. 163–166). Twice present afterwards (p. 202 and p. 211).

July 1, 1617.—Dr Lancelot Andrewes, Bishop of Ely, admitted of the Council (p. 169). Never present again.

July 31, 1617.—Sir Robert Dennistoun, known hitherto as Conservator of Scottish Privileges in the Low Countries, admitted of the Council (p. 207). He is recorded as very steady in his attendance thenceforward, rivalling indeed in that respect such officials as Lord Treasurer Mar and Hamilton of Redhouse.

Aug. 20, 1617.—John Maitland, Viscount Lauderdale, admitted of the Council (p. 214). He gives very effective attendance thenceforward, equalling the Conservator in that respect.

Same day.—John, Lord Erskine, son of the Earl of Mar, admitted of

the Council (p. 214). He attends pretty often thenceforward, but only about half as assiduously as the two preceding.

Same day.—John, Lord Fleming, admitted of the Council (p. 214). Attends thenceforward nearly as often as Lord Erskine.

Same day.—Sir Archibald Napier of Merchiston, son of the great Napier of the Logarithms, and a rising man at the Scottish Bar (p. 214). His attendance at Council thenceforward is nearly as close as that of Viscount Lauderdale or the Conservator.

Feb. 12, 1618.—Sir George Erskine, brother of Viscount Fenton, and Ordinary Lord of Session since March 1617 by the title of Lord Innerteil, admitted of the Council (p. 306). He attends very regularly thenceforward, and is noted in the sederunts indifferently as "Sir George Erskine" and "Innerteil."

June 2, 1618.—William Crichton, Lord Sanquhar, admitted of the Council (p. 362). He attends occasionally thenceforward, but not often.

June 11, 1618.—Mr Alexander Hay of Fosterseat, Senator of the College of Justice since 1604, admitted of the Council (p. 378). He attends very constantly thenceforward.

Sept. 9, 1618.—The Bishop of Aberdeen admitted of the Council (p. 438). A caution is necessary as to this member of the Council, inasmuch as a Bishop of Aberdeen is found attending Council meetings occasionally through the greater part of 1617 (see a dozen sederunts or more between p. 15 and p. 240). *That* Bishop of Aberdeen, however, was Mr Alexander Forbes, previously Bishop of Caithness, who had been translated to Aberdeen in July 1616 in succession to the deceased Mr Peter Blackburn, and who, having been a Privy Councillor while he was Bishop of Caithness, retained the dignity after his translation to his new see. He died in November 1617; and the present Bishop of Aberdeen was Mr Patrick Forbes of Corse, formerly minister of Keith, who had been elected to succeed him in March 1618, and had been consecrated in the following May. He was present occasionally in the Council after his admission, but not often.

April 21, 1619.—Robert, Lord Maxwell, admitted of the Council (p. 563). During the two months between his admission and the close of our volume he is found present six or seven times.

Subducting from this list the seven Englishmen in it, who were merely honorary members appointed on the occasion of the King's visit, and adding the remaining thirteen to our previous list of those who had been already in office before 1617, we have the names of the fifty-three or fifty-four Scotsmen who, as Privy Councillors, and as possessing in that capacity peculiar powers and privileges, were recognised all over Scotland, through the two years and a half with which we are now concerned, as the most important and influential men in the realm.

Of how few of them is there any recollection now! Who can tell anything now, for example, of the physiognomy or the character of Mr Peter Rollok? Yet this Mr Peter Rollok had been a Privy Councillor as far back as 1587; and, after having been indefatigably at work at the centre of Scottish affairs in that capacity, with hardly an intermission, through the thirty intermediate years, here he was still, from January 1617 to June 1619, regularly in his place at the Council Board! So, or nearly so, with most of the others. All in all, the three most important personalities in the Scottish politics of our period were Chancellor Dunfermline, Secretary Lord Binning (*alias* "Tam o' the Cowgate"), and Archbishop Spotswood; to whom if we add Treasurer Mar, Treasurer-Depute Sir Gideon Murray, and Clerk-Register Sir George Hay, on account of their official positions in the Council and the evidences of their activity in these positions, and the Marquis of Hamilton and the Marquis of Huntly, because of their social weight as great territorial magnates and heads of historical houses, with the Earl of Argyle, partly on the same ground, but partly because of that peculiar ending of his career which is so striking an incident of our period, we shall have named perhaps the nine men in our list most remembered now, or best entitled to be remembered. If Argyle's appearance in our volume rivets attention most, it is as the flash of a falling star: the others kept an even level, or were still rising in fortune. Before the close of our volume, for example, Secretary Binning had ceased to be Lord Binning merely, and become Earl of Melrose. The same footnote (p. 562) which records this promotion of the famous "Tam o' the Cowgate" in March 1619 records the similar promotion in the same month of Thomas Erskine, Viscount Fenton, to the Earldom of Kellie, and that of Walter Scott, 2nd Lord of Buccleuch, to the Earldom of Buccleuch. Viscount Fenton having been long a naturalised Englishman, and little more than a nominal member of the Scottish Privy Council, we are not much concerned here with *his* promotion; but the upward step in the peerage for the Scotts of Buccleuch is of real interest in the history of Scotland.

The state of the Scottish Episcopate remained very much the

same through the period of the present volume as that in which we left it at the end of 1616. The table of the Bishops given at pp. xcii–xciii of last volume holds good, therefore, for the present, with but these few changes:—In Archbishop Spotswood's Province of St Andrews, the Bishopric of Aberdeen, to which Alexander Forbes had been transferred from the Bishopric of Caithness, became vacant in November 1617 by that Bishop's death, and was bestowed, in March 1618, on the more celebrated Patrick Forbes of Corse, till then minister of Keith; and in the same Province the Bishopric of Brechin, which had been held since 1607 by Andrew Lamb, became vacant by the translation of that Bishop in April 1619 to the See of Galloway, and passed, or was to pass, to David Lindsay, minister in Dundee. In Archbishop Law's Province of Glasgow, the Bishopric of the Isles, held with so much distinction since 1605 by Andrew Knox, and since 1611 in conjunction with the Irish Bishopric of Raphoe, became vacant early in 1619 by that Bishop's demission of it and retirement altogether to Ireland (to live there as Bishop of Raphoe till 1632), and was conferred in April 1619 on his son, Thomas Knox, till then minister of Tiree; and in the same Province the Bishopric of Galloway, vacated by the death of William Cowper in February 1619, passed in the April of that year to Andrew Lamb, translated, as has been said, from Brechin.

After Archbishop Spotswood himself, perhaps the most memorable man in the Scottish Episcopate of our period was the just mentioned Mr William Cowper, Bishop of Galloway, who died in February 1619 in the 52nd year of his age, unable, as we saw (*ante*, p. lxix.), to weather the popular obloquy with which he was assailed for his prominent part, both as Bishop and as Dean of the Chapel Royal at Holyrood, in enforcing among the Edinburgh people the observance of the new ritual imposed by the Five Articles of Perth. For the circumstances, and for the conflicting characters given of him at his death by Calderwood and Spotswood, see again the footnote at p. 516. The conflict of testimonies was due to the peculiar nature of his antecedents. The son of an Edinburgh tradesman, and educated at St Andrews,

he had been appointed minister of Bothkennar in Stirlingshire in 1587, and had thence been removed to Perth in 1595; and in both charges, and indeed to as late as 1608, he had been even conspicuously an opponent of Episcopacy and of the King's ecclesiastical policy. Gradually, however, he had conformed, with the result that in 1612 he had accepted the Bishopric of Galloway. Even then some lingering remnants of his old opinions had remained with him; but these had disappeared on farther reflection and left him at last staunch for the King's policy at all points. To the impressions of him derived from these facts in his life, and from the naturally discordant interpretations of them by Calderwood and Spotswood, may be added now, by those who choose to take the trouble, such more direct and more intimate impressions as may be derived from his remaining theological and polemical writings. It may be an inducement to some one to take this trouble, and it will at all events increase the interest one feels in this Scottish bishop, who died under a cloud in 1619, if we mention that he has been claimed as an ancestor of William Cowper, the English poet. The speculation was broached in 1806 by the poet's friend and biographer Hayley, in the new and enlarged edition of his *Life and Writings of Cowper* published that year. The poet himself having, as Hayley there vouches, "exprest a persuasion that one "of his progenitors migrated from Scotland in a very humble "condition," Hayley had tried to follow up the clue so furnished, and, having come accidentally on the Scottish bishop Cowper, and his religious writings, had found him "so remarkable for "the warmth of his piety and the elegance of his language that, "if his works had fallen into the hands of his namesake at "Weston, the English poet might have felt a liberal satisfaction "in supposing himself allied to the Scottish divine." This is vague; but Hayley ventured to be more precise. Neglecting a mythical portion of the genealogy of the poet's family, which traced it back to Cowpers found in Sussex and elsewhere in England in the reign of Edward IV., he made sure that the authentic original of the family was a certain William Cowper of Herts or Kent, who was created a baronet by Charles I. in 1642

for his Royalist devotion. This William Cowper was the father of Sir William Cowper, bart., a Whig politician and member of Parliament of the latter part of the seventeenth century; one of whose sons was William Cowper, Lord Chancellor of England, created Baron Cowper in 1706 and Earl Cowper in 1718, while another son was Spencer Cowper, Chief Justice of Chester, who died in 1727, and was the father of John Cowper, D.D., Rector of Berkhampstead, the father of the poet. Now, Hayley's question was whether the William Cowper who was the first baronet of the family, the grandfather of Lord Chancellor Cowper and Judge Cowper, and the great-grandfather of the poet, may not have been that Scottish immigrant into England, or a son of that Scottish immigrant, of whom the poet himself had given the hint. He is not positive in his answer, but contents himself, after sketching the life of the Scottish Bishop Cowper, with these words: "In seems not improbable that the person made a baronet "by Charles I. might be related to this eloquent and highly "esteemed Bishop Cowper." Altogether, it will be seen, the speculation is left very hazy, and is convertible at the utmost into a mere suggestion that it may have been a son or grandson of the Scottish bishop who migrated into England, became the Royalist baronet of 1642, and founded the distinguished family of which the poet was a scion. Very possibly even this conjecture will not cohere with the facts of the poet's pedigree as they are now known; but, by way of slight corroboration, it may be mentioned that the Scottish Bishop Cowper himself had, in his youth, resided for some time in England. After graduating at St Andrews, he had for some time been assistant-master in a school at Hoddesden in Herts; and it was after his return to Scotland from that employment, and from some stay in London, that his career in the Scottish Church began.

Two notable deaths of our period, in addition to that of Cowper, Bishop of Galloway, were those of Napier of Merchiston and Queen Anne. The death of the famous Laird of Merchiston happened on the 3rd of April 1617, while the King was on his progress towards Scotland (p. 214, footnote); and the representative of the Merchiston family through the greater part of our

volume is not this famous Laird, but his son and successor Sir Archibald Napier, admitted of the Privy Council on the 20th of August 1617, on his way to higher honours. The death of Queen Anne, leaving King James a widower, happened at Hampton Court on the 2nd of March 1619. For particulars of the event see footnote at p. 525; and connect therewith the entries and footnotes at p. 350 and pp. 549–550 relating to the complete repeal at last of the sentence passed on John Buchanan and his wife Margaret Hartsyde, who had been prosecuted in 1608 on a dubious charge of having stolen the Queen's jewels.

After the death of Napier of Merchiston in April 1617, one can name only Sir Robert Aytoun, Sir David Murray of Gorthy, Sir William Alexander of Menstrie, and Drummond of Hawthornden as surviving Scots of that generation who have left any distinct tradition of themselves now in the general Literary History of the British Islands. Aytoun, some of whose English lyrics are still remembered and quoted, was resident permanently and officially at the English Court, and of considerable note among the London *literati* of the day; Murray, who was also a London Scot, or, as he called himself, a "Scoto-Briton," in official connexion with the Court, is less remembered now than Aytoun, but had published English poems, and was of some contemporary repute on that account. Of greater celebrity than either, and, though also in the main a London Scot in official employment about the English Court, yet visiting Scotland so often that his countrymen kept their hold of him and maintained a lively interest in him and his fortunes, was Sir William Alexander. Little read now as are the voluminous metrical remains of this Clackmannanshire knight, subsequently known as Earl of Stirling, he was indubitably, at the time when our present volume commences, being then about thirty-seven years of age, the Scot of highest poetical reputation among the Londoners. He was indeed almost the only Scot recognised in London circles as having, since the union of the Crowns, been a successful and important verse-writer in that southern English which was then tending to become the common literary language for both kingdoms. The particulars of his literary career so far have been given in last volume (pp. 358–359, n.); and, as the same

volume contains notices of his connexions with Scottish commercial and political affairs from March 1613 onwards, including his appointment to membership of the Scottish Privy Council in July 1615 and his appearances at a few sittings of the Council in that month and the next, it is enough to mention that the present volume exhibits him as back in Scotland for a while again after a considerable term of absence, and resuming his place in the Council. He is found there on the 18th of March 1617, having preceded the King into Scotland by some weeks (p. 65); and his attendances in Council from that date are about ten in all, some of them while the King was in Edinburgh, one of them in the special Council meeting held by the King at Glasgow on the 27th of July (p. 202), and the last of them at the Council meeting held at Lincluden on the 3rd of August, just as the King was taking leave of Scotland (p. 211). It seems evident that the poetical Knight returned to England in his Majesty's retinue, and that this visit of his to Scotland in 1617 was occasioned by, or connected with, his Majesty's visit. During the four months and a half which he then spent in Scotland, he must have been much in the company of Drummond of Hawthornden, whose acquaintance he had first made in 1614, with the result of a formation between them of one of the most intimate and affectionate friendships of which there is record in literary history (*ante*, vol. x., pp. 358–359, n.).——Of Drummond himself, whose life was more private than Alexander's, there are, on that account, no such direct traces as there are of Alexander in the text of our volume; and we have to be content with the indirect glimpse of him furnished by the mention in the footnote at pp. 133–126 of his *Forth Feasting* as the chief of the congratulatory poems with which Edinburgh saluted King James on his reappearance in her streets after so long an absence. It was the third of Drummond's substantial appearances in print, having been preceded by his *Teares on the Death of Mœliades* (*i.e.* Elegy on the Death of Prince Henry) in 1613, and his Collection of *Poems, Amorous, Funerall, Divine, Pastoral* in 1616; and it helped to increase the reputation which these previous publications, especially the second of them, had deservedly

won for Drummond. He was then in his thirty-second year; and not till there had been the addition of his pretty numerous subsequent writings, in prose as well as in verse, to the small stock of poetical pieces thus bearing his name in 1617, did his reputation rise to the level of that final estimate of him which recollects him now as, all in all, the finest literary genius of his time in Scotland, a star of soft and almost solitary radiance in an otherwise murky sky. None of those additions to the small original stock were to come within the limits of our present volume; and through the latter half of 1617, the whole of 1618, and the first half of 1619, Drummond is to be imagined as living on amid his books in customary seclusion in his picturesque home in the beautiful glen of the Esk, about seven miles from Edinburgh, immersed in readings, philosophical speculations, and all varieties of artistic dilettantism, and unconcerned practically with public events. His chief correspondence was still with his much-admired friend and senior, Sir William Alexander; but towards the close of 1618 and in the early months of 1619 we find him in correspondence also with another, and now far more interesting, literary contemporary. This was the Elizabethan veteran Michael Drayton; between whom and Drummond, though they never met, there passed about this date several letters, still extant, showing familiarity with each other's writings and real mutual regard. Drayton, it appears in the course of those letters, had just finished the second part of his *Polyolbion*, consisting of the twelve books he had added to the original eighteen of Part I., published in London in 1613; and, as the manuscript found no favour with the London booksellers,—"a company of base knaves," he calls them, "whom I both scorn and kick at,"—it had occurred to him that Andro Hart of Edinburgh, the publisher of all Drummond's poems hitherto, and of some of Sir William Alexander's, might undertake the affair. There was actual negotiation with Andro Hart for the purpose, in which Drummond cordially helped, the rather, as he said, because the publication in Edinburgh of so important an English book would show that Scotland, though then "barren of excellency in itself," could still appreciate excellency elsewhere. Though the negotiation was abortive,

and it was not till 1622 that the Second Part of *Polyolbion* saw the light, and then in the form of an addition to a London reissue of the First Part, so as to complete the whole work, this mere overture of Drayton to Andro Hart through Drummond is a fact of some interest in the period of Scottish history which our present volume comprises.

Hart, as has been seen from several mentions of him in previous volumes, had been already, on his own account, for a good many years, a person of some consequence in Scotland,—not only an active bookseller and importer of books from England, but almost the single representative of the small amount of book-trade there had been of late in Scotland in native literature of the finer and more poetical kinds. He reappears in both characters in the present volume. He was the publisher of Drummond's *Forth Feasting* in the separate form in which it was first presented to the King in Edinburgh in May 1617 (pp. 133–136, n.), and afterwards, in conjunction with Thomas Finlayson, of the folio volume of 1618 containing all the Latin and Greek poems which the scholarship of the various Scottish towns and Universities had been able to produce in honour of his Majesty's Visit and the three months of his stay in Scotland (pp. 418–419). In publishing this last collection, so carefully edited by Mr John Adamson of Liberton, Hart, the reader may be again reminded, could regard himself as hardly less a servant of the finer Muses than in publishing the Laird of Hawthornden's English poem; for, though now we sum up what we know of the finer Scottish Muses of those days by thinking only of Drummond, Sir William Alexander, and two or three other contemporary Scottish writers of English verse, the mode of reckoning then was different. Latin still held its own against the vernacular more tenaciously in Scotland than in most other countries; and the numerous Scottish Latinists who contributed to Adamson's volume would have been surprised to learn that, in future retrospects of the finer Scottish literature of their age, they and their productions would be all but totally forgotten. For evidence, however, that Hart did not deal only in books of the finer literary kind, whether in English or in Latin, but had books of other sorts in his shop, see p. 626 and

p. 593, n. In the first of these entries, under date 9th February 1618, there is mention of Hart and of two other Edinburgh booksellers, James Cathkin and Richard Lawson, as infringing on a monopoly granted to Gilbert Dick in the printing and sale of the Catechisms projected by the Aberdeen General Assembly of 1616 (see also pp. 643–4); and in the second there is mention of an order in June 1619 for searching the house and shop of Andro Hart, and the houses and shops of Cathkin and Lawson, for copies of pamphlets against the Five Articles of Perth, and especially copies of Calderwood's *Perth Assembly*. These entries prove,—and there is independent proof,—that Hart, though the authorised publisher of the royal volume of the *Muses' Welcome*, which Adamson had edited, was one of those Edinburgh citizens who were most strongly Presbyterian in sentiment and most opposed to the King's ecclesiastical policy in Scotland. But the nature of the books specified in them, and the fact they bring out that Hart was but one of a number of Edinburgh booksellers, all more or less busy, suggest something more. They suggest another necessary correction of the idea of the state of literature in Scotland between 1617 and 1619 which might be left by too exclusive a recollection of Drummond, and of the Scottish metrical Latinity of Adamson's volume, as representing that literature. It is to be remembered that there was a contemporary native literature of theological and controversial prose. True, much of this was ephemeral; but it functioned energetically enough in the Scottish mind of that generation and the next; and our conception of the intellectual conditions and capabilities of the Scotland of those times would be thinner than it ought to be if we did not take into account such remains of it, Episcopal or Presbyterian, as may be associated with the names and the lives of Spotswood and Calderwood, Hume of Godscroft, the Bishop William Cowper so much spoken of already in this Introduction, and the Patrick Forbes of Corse who held the Bishopric of Aberdeen from 1618 onwards.

Among the Personal Memorabilia of our period one more has yet to be mentioned; and this too connects itself with Drummond of Hawthornden:—The King's visit to Scotland in 1617, and the

reports of Scotland taken back into England by those who had accompanied him, had roused a new interest among the English, and especially among the Londoners, in the small northern kingdom. One consequence was that, in June or July 1618, nearly a year after the royal visit was over, Ben Jonson, then forty-five or forty-six years of age, and for some years already the acknowledged chief and dictator of the English world of letters, though not yet formally Poet-Laureate, left London for that famous pedestrian journey of his on which he had resolved for the purpose of becoming acquainted with Scotland and the Scots for himself. He had a private inducement to the journey in the fact that he could trace his own ancestry to Scotland,—his grandfather having been a Johnston of Annandale who had migrated into England in the time of Henry VIII. Within a fortnight, however, after Ben had set out on his journey, another literary Londoner, who had no motive of this kind, but had merely taken it into his head that he too would do what the great Ben was doing, followed in Ben's track. This was John Taylor the Water Poet, known to all London as a wherry-man on the Thames, and also as the author of frequent pieces of doggerel verse and jocular prose-rigmarole which he printed in sheets for sale to his boating customers. Notwithstanding Ben's excessive corpulence, which must have made his progress slow and given the Water Poet the advantage, he seems to have reached Scotland first. He crossed the Border probably about the beginning of August 1618, while the Water Poet, entering Scotland by the Carlisle route, is not found in Edinburgh till the 13th of that month. For what is known of their movements within Scotland, and of their contacts with Scottish persons and things, see footnotes at p. 453, p. 470, and p. 501. It there appears that, while both of them ranged over a considerable extent of Scottish ground away from Edinburgh, it was in different directions,—the Water Poet pushing through Fifeshire and Perthshire as far as to the northern Highlands of Braemar and Badenoch, where he had the pleasure of being present at some great hunting-matches by Scottish nobles of his acquaintance, while Ben Jonson, though he seems also to have visited Fife-

shire and other parts of the Lowlands north of the Forth, contented himself with as much of the Highlands as he could see in the Western or Lochlomond region. Hence it was not till latish in September that the two worthies met. The Water Poet, having then returned from his thirty-five days in the Highlands to spend eight days in Edinburgh before his departure back to London, found that Ben Jonson was in lodgings in Leith in the house of one Master John Stuart, called on him there, and, on bidding him farewell, received from him a piece of gold with which to drink his health in England. On the 15th of October the Water Poet had completed his homeward tramp and was back in London; but Ben, who had then already been over two months in Scotland, remained for about four months more. It is of the incidents of these last four months of his stay that we hear most. "He is amongst noblemen "and gentlemen that know his true worth and their own "honours, where with much respective love he is worthily "entertained," the Water Poet was able to inform Ben's London friends when describing to them the state in which he had left Ben in Leith; and the information is confirmed by other evidences. The municipal records of Edinburgh show that Ben had the freedom of the town conferred upon him, and was entertained moreover at a banquet given on the occasion by the Magistrates and Town Council; and eminent individual citizens, one finds, so vied with each other in attentions to the London celebrity that, from September onwards, through those subsequent months when there were the beginnings of the agitation among the Edinburgh and Leith people over the Five Articles of the recent Perth Assembly, a competing subject of gossip in not a few Edinburgh families must have been the extraordinary physiognomy, figure, and habits of their English guest. So much has to be imagined on the faith of actual record as hitherto known; but the footnote at p. 470 adds a particular which has hitherto, I think, escaped notice. It was in the night or early morning of the 18th of November 1618 that there was the first appearance in the Edinburgh sky of a comet mentioned in all European chronicles of the time as the most splendid that man

could remember. Rapidly increasing in size and brilliance, it was at its fullest blaze before the end of that month, after which it waned gradually till the 18th of December, when it vanished finally in the north. Gazing up night after night at the strange visitant when it was at its brightest, the Scots knew not what to make of it. Was it a herald of the great Thirty Years' War on the Continent; or had it any connexion with the Synod of Dort, then sitting; or was its significance more purely domestic, and did it testify to the wrath of Heaven against his Majesty's Scottish Kirk policy and the Five Articles of Perth? Ben Jonson must have heard such speculations, and perhaps discussed them; but what interests us now is the coincidence of the phenomenon which occasioned them with one whole month of his own stay in Scotland. Night after night through that month, the big Englishman, walking between Leith and Edinburgh, or in the High Street near St Giles's Church, or wherever else in Edinburgh or its suburbs he might be returning from the house of one of his hospitable entertainers, must have been one of the thousands that gazed up in fascination at the blazing messenger; and the effect must have been that ever afterwards, when he recollected his Scottish tour, it would be in association with the fact that it was from the Edinburgh streets or from heights near them that he had watched the great comet of 1618.

The likelihood is that the meteor had disappeared, and that people had ceased to talk about it, before that incident in Ben Jonson's stay in Scotland which is now the most memorable of all. This was his visit to Hawthornden for a fortnight or so of residence and companionship with Drummond under his own roof. The tradition that Ben had come to Scotland expressly to visit Drummond is a sheer fiction; but that Drummond had been one of the first to welcome Ben to Edinburgh, and had seen much of him in Edinburgh or Leith since his arrival, may be taken for granted. The visit to Hawthornden was a natural consequence; and, if the computation is correct which fixes the Christmas fortnight of 1618–19 as the probable date of that visit, it may be regarded as the climax and winding-up of Ben's six months of holiday in Scotland. At all events it

eclipses in interest all else that is known of the incidents of the holiday; for it was in that fortnight of conviviality at Hawthornden that Drummond had Jonson all to himself, and there were those immortal conversations between them of which Drummond fortunately kept notes. Not till about sixty years ago were these Notes recovered in complete manuscript copy; but, since the publication of them by Mr David Laing, they have been recognised universally as not only the most vivid and exact of all contemporary portraitures of Ben Jonson, but also one of the most precious collections of English literary and historical gossip of the reigns of Elizabeth and James. What makes it more probable that the Christmas of 1618–19 was the time of those Hawthornden colloquies, and that the Hawthornden visit was the winding-up of Ben's stay in Scotland, is that the 25th of January 1619 is known to have been the day on which Ben took final leave of Edinburgh and Leith, to begin his return-tramp through England, and that, with one exception, Drummond is the only Scot with whom Ben is known to have kept up a correspondence during that return-tramp and after his arrival in London. The letters are still extant, and contain two pieces of information of peculiar interest. One is that Ben had projected, as literary results of his Scottish tour, a Pastoral Poem or Drama the scene of which was to be laid in the Lochlomond district, and also a complete narrative or journal of the tour itself, including some account of Scottish institutions, legends, and antiquities. Drummond was his confidant in both projects, and assiduous in supplying him with hints and materials. Within about a year, as we learn, the second of the two projects was actually accomplished; but the manuscript (which was apparently in verse, or partly in verse) perished in a fire in Ben's London lodgings some time before 1629, and there was thus lost a sketch of Scotland and the Scotch in 1618 which would have been of a hundred times more value to us now than the Water Poet's rambling *Penniless Pilgrimage*. The other piece of information which we owe to the letters is in the form of a list of those Edinburgh and Leith persons and families with whom, in addition to Drummond, Ben Jonson had been on most intimate terms during his last months

in Scotland, and whose hospitalities he continued to remember most warmly. "Salute the beloved Fentons, the Nisbets, the "Scots, the Livingstons, and all the honest and honoured names "with you, especially Mr James Writh, his wife, your sister, &c.," wrote Ben from London to Drummond on the 10th of May 1619, —the same letter mentioning "Mr James Scot" as the person from whom Drummond had promised to obtain for Ben some facts he wanted respecting the government of Edinburgh; and in a previous letter of Drummond's to Ben, dated from Edinburgh 30th April 1619, mention is made of a letter which "Mr Fenton" had already received from Ben and had shown to Drummond, containing a similar message to all Edinburgh friends, and to Drummond in particular.

Even at this distance of time, the persons and families so mentioned may, I think, be all identified. The "Mr James Writh" of the list can have been no other than the "Mr James Raith" of whom there are notices at p. 95, p. 249, p. 329, and p. 349 of our present volume. These show him to have been an Edinburgh advocate, much employed by Chancellor Dunfermline,—the second of them proving moreover that he had important connexions with the business world of Edinburgh, inasmuch as he had appeared at a Roup of the Customs in October 1617 as the representative of a number of persons competing with the old Lessees of the Customs for a new lease of them, and had secured the lease for his clients by overbidding the old Lessees. His wife's name, I find, was Eliza Fowler; and, as Fowler was the maiden name of Drummond's mother, it may be inferred that this wife of Mr Raith, to whom, as well as to Mr Raith himself, Ben sent his remembrances, was a cousin or other relative of Drummond's. In that case, the "your sister" remembered along with Mrs Raith may have been a sister of Drummond's yet unmarried. But who were "the Scots"? They were, doubtless, that Edinburgh family of Scots of whom one was the Mr James Scot who was to supply Ben with the information he wanted respecting the municipal government of Edinburgh, while another was Drummond's brother-in-law, Sir John Scot of Scotstarvet, Director of

Chancery, afterwards Privy Councillor and Senator of the College of Justice. He was alive and active till 1670, and deserves to be remembered still for his patriotic services to Scottish geography and literature and for some eccentric writings of his own. About "the Livingstons" we are somewhat more in the vague; but, if they do not include Sir William Livingston of Kilsyth, Judge, Privy Councillor, and Vice-Chamberlain of Scotland, they do probably include certain other legal Livingstons of the same kin, one of them a Mr Alexander Livingston, in good practice at the Scottish Bar. About "the Nisbets" there is no difficulty whatever. The Lord Provost of Edinburgh in 1618 was Sir William Nisbet of the Dean, a wealthy merchant who had been Provost at the time of the King's Visit, and had received his knighthood on that occasion; one of the Town Councillors of the same year, and afterwards a Bailie of the Town, was a James Nisbet, probably a relative of the Provost's; these two were directly concerned with the vote of the Magistrates and Town Council to make Ben Jonson an honorary burgess, and must have been present at the banquet given to him; and, among other Nisbets, probably of the same family, one was a Mr Patrick Nisbet, advocate, the father of a boy who was to be afterwards the celebrated Scottish judge and jurist Sir John Nisbet of Dirleton. Who "the beloved Fentons" were, has been already ascertained above. They were, of course, the family of that "Mr Fenton" to whom Ben, on his journey back through England, had addressed a letter which Drummond had seen. This "Mr Fenton," who has thus the distinction of having been the only person of the Edinburgh group besides Drummond to whom Ben is known to have written after leaving Scotland, was the "Maister Johnne Fentoun" heard of in our last volume (p. 311) as having been, in March 1615, "Keeper of the Register of the Comptrollery,"—an office which he had held, I find, since 1582, and which he doubtless still held at the time of Ben's acquaintance with him. There is a mention of him in the Water Poet's *Penniless Pilgrimage* on account of some kindness shown to the Water Poet in his passage through Fifeshire on his way to the Northern Highlands; and he was the very person of whom our

present volume records (pp. 605–607) that he was selected in June 1619 for the important duty of going as his Majesty's Commissioner to the Orkneys and Shetlands to demand his Majesty's dues from the Hollanders and other foreign intruders fishing in the Northern Scottish seas.—So much for the five persons and families to whom Ben sent his compliments from London through Drummond; and it remains only to inquire after the "Master John Stuart" in whose house in Leith the Water Poet found Ben lodging in September 1618. He can be no other, I am sure, than the person of that name who figures in several entries in our last volume as "Water-Bailie and Skipper in Leith," owner of the ship called *The Post of Leith*, and receiving payment now and then for the use of that ship in the Government service. He must have been a substantial householder in Leith; and Ben, as his lodger, must have been in comfortable quarters.

Ben Jonson was to be nearly eighteen years longer in the world, and was never to see Scotland again; but to the end of his life, when his memory reverted to the six months he had spent in Scotland in 1618–19, he must have retained some special remembrance not only of Hawthornden and Drummond, but also of the other persons, most of them describable as of the Drummond connexion, that have here been named individually. They, in their turn, so long as they lived, must have retained a vivid recollection of the visage, voice, and manner of the extraordinary Englishman. It so chances, indeed, that the portrait of Ben Jonson's physical frame and lineaments by which these will be remembered to all time is that which he himself sketched exactly at the time of the close of his Scottish Visit, and a copy of which he sent to Drummond, by way of parting gift, six days before he left Edinburgh. It is in the form of an imagination of the cause why the lady of his love looks on him no longer with any favour:—

> "I am sure my language to her is as sweet
> And all my closes meet
> In numbers of as subtle feet
> As makes the youngest he

That sits in shadow of Apollo's tree.
O! but my conscious fears,
That fly my thoughts between,
Prompt me that she hath seen
My hundreds of grey hairs
Told six and forty years,
Read so much waist as she cannot embrace
My mountain belly and my rocky face;
And all these through her eyes have stopped her ears."

Throughout this volume, as throughout the last, I have had the valuable assistance and co-operation of Mr G. Gregory Smith, M.A. Edin. and B.A. Oxon. D. M.

CORRIGENDA.

At p. 126, line 19 of footnote, *for* North Berwick *read* Liberton; at p. 140, in sederunt, and again at p. 493, in second sederunt, *for* Pollok *read* Rollock; at p. 204, line 2, *for* T. Cokburne *read* J. Cokburne; at p. 300, last rubric, *for* John Carmichael *read* Robert Carmichael; at p. 435, second rubric, *for* Horne *read* Home; at p. 462, third rubric, *for* John Scott *read* Walter Scott; at p. 463, line 21, and again at p. 464, line 6 and line 12, after Sowart add [Sunart]; at p. 553, line 3, *for* W[alter] *read* W[illiam]; at p. 593, footnote, line 6 of second column, *for* Fernihirst *read* Oxenhame.—By an accident to the type, the footnote at p. 320 is unintelligible. It ought to read thus:—"The Book of Sederunts omits *Cranstoun*, and adds *Redhous*, *Conservator*, and *Treasurer-Depute*."

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ACTA, DECRETA, &c.

Commissions, Vol. 18, b.

Commission under the Signet, signed by the Chancellor and Lord Mar, is given to Sir Johne Carmichael of Medowflatt, captain of Craufurd, and Mr James Murheade of Shawfoote, bailie of , to try Mungo Hunter in Wandell, Williame Purves there, and Johne Blaklaw in Crawfurde Lindsay, three common thieves, recently apprehended by the said laird and at present in his keeping. Edinburgh, 7th January 1617. Commission for the trial of three thieves.

Acta Mar. 1615 Aug. 1617. Vol. 72, a.

Sederunt—Chancellor; Mar, Treasurer; Wyntoun; Tullibardine; Binning; Burley; Colvill; Master of Elphinstoun; Treasurer-Depute; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsyith; Medop; Bruntyland; Sir Andro Hammiltoun; Sir James Skeene; Mr Peter Rollok. Edinburgh, 9th January 1617.

Vol. 72, b.

This day William, Earl of Tullibardine, was admitted a member of Council, and, being present, took the oath of allegiance and the oath of a Privy Councillor. "His Majesties missive letter for the warrand of the act abonewrittin:—Righte trustie and righte welbeloved cosen and counsellour, wee greete yow well. Being sufficientlie acquaynted with the qualificatioun of the Earle of Tullibardine and of his good intentioun [to] do our service, wee haif thoghte good to preferre him to our Previe Counsell in that our kingdome. It is therefore our pleasour that yow caus minister unto him the oathe accustomed in the like cases, and admitt him to our said Counsall to enjoy all honnoris, dignities, privilegeis, and immunities whiche anie other our ordinarie Previe Counsellour enjoyeth by vertew of his place in our said Counsell. For doing whereof as these presentes salbe unto yow ane sufficient warrant, so wee bid yow fairwell. Given at Newmarket, the elevint of December 1616." The Earl of Tullibardine admitted of the Council.

Acceptance of the Sheriffships of Edinburgh, Berwick, and Dumfries, by Foullis of Colintoun, Charteris of Hempsfield, and Home of Renton.

"The quhilk day in presence of the Lordis of Secreit Counsall compeirit personallie Sir James Foullis of Collintoun, Charterous of Hempsfeild, and Alexander Home of Rentoun, and acceptit upoun thame the officeis particularlie underwrittin,—viz., the said Sir James Foullis of Colintoun acceptit upoun him the office of schirefship within the schirefdome of Edinburgh, the said Chairtrous of Hempsfeild acceptit upoun him the office of schirefship within the schirefdome of Drumfreis, and the said Alexander Home of Rentoun acceptit upoun him the office of schirefship of the schirefdome of Beruick. And thay all gaif thair grite and solemne oathes that thay sall faithfullie administrat, use, and exerce the saidis officeis in all thingis belonging thairunto according to thair knawledge." Acta Mar. 1615–Aug. 1617.

Edinburgh, 9th January 1617.

[Sederunt as recorded above.] Decreta Mar. 1616–Jan 1617. Fol. 276, b.

Suit of the wife of Sir Donald Mackay of Farr against her husband for adultery and cruelty.

Complaint by Barbara M^cKanyie, spouse of Sir Donald M^cKy of Far, and by Coline, Lord M^cKanyie of Kintaill, her brother, and by the King's Advocate, as follows:—Pursuer was married to Sir Donald on conditions agreeable to his rank and estate, and lived happily with him "under these mutuall termes and schawis of love and hairtlie interteynement that beseameth betuix a husband and a wyff." Nevertheless, "at his laite being in the burgh of Edinburgh in the moneth of last, he haveing fallin undir some familiaritie and acquentance with Marie Lindsay, suster to David, Erll of Crawfurd, he did so foister, cherische, and interteny his familiaritie that in end, schaiking of all feir of God, reverence of the law, and regaird of the said complenair, his lauchfull wyff, he abandonit and gaif over him selff to all kynd of laschivousnes with the said Marie Lindsay, and keipit company with hir day and nicht Fol. 277, a. during the haill tyme of his aboad in the said burgh. And at his away going he brocht hir with him fra Leyth in Thomas Andirsonis bark to his awne cuntrey, quhair he keipis and intertenyis hir at his pleasoure. And, howevir in some measoure the said complenair wald have dejestit this his ovirsicht, upoun hoip that tyme wald have maid him to acknowledge his grite offence to God and his oversicht and neglect of dewtie to hir, and nevir apprehending that he wold have sufferit ony violent or distemperit humour to have possest his hairt aganis hir, seing thair is mony that, althocht thay abuse thair bodyis in that filthie and detestable vice of whoredome, yit thay interteny thair wyffis with all schawis of love and kyndnes, nevirtheles, he hes so fer gevin over him selff to the pleasouris of his filthie lust and to the following of his awne humoris in that poynte that he hes enterit in most violent, inhumane, and detestable courses aganis the said complenair, his lauchfull spous, insofer as, immediatlie efter his homecomeing to the cuntrey with the said Marie Lindsay, quhilk wes in the moneth of August last, the said complenair being than lyand bedfast in his house of Durtnes visite with havie disease and seiknes and being bot dayis delyverit afore of a bairne unto him,

Decreta Mar. 1616–Jan. 1617.

he, without pitie or compassioun of hir hard estaite and havie seiknes, most barbarouslie, churlischlie, and inhumanelie causit lift the said complener oute of the bed quhair scho lay, [and] transportit hir oute of the chalmer quhair scho lay to ane uther house neirby without a ruife, quhair he hes maid hir a cloise prisonner, suffering nane to have acces unto hir nor to conforte hir now in the tyme of hir distresse, greif, and seiknes, nor to minister unto hir ony necessaris, allowing unto hir nothing bot some litle beir, breid, and watter allanerlie to interteny hir naturall lyff, and ane kitcheing las to attend upoun hir; and all his cuntrey people ar commandit undir heichest panes nowthir to visite hir nor supplie hir with ony necessaris, sua that the said complenair standis in verie grite fear that he sall practize some violent course aganis hir lyff, outher by poysoun or hunger." It is urged that Sir Donald should be punished not only for his conduct to his wife, but also for having abused his Majesty with "outward professioun of a loyall and dewtifull subject," so that his Majesty had been "gratiouslie pleasit to confer unto him some degreis of honnour whairof none of his predicessouris wer evir capable, and of the quhilkis he himself hes provin most ingrate and unworthie."—The King's

Fol. 277, b.

Advocate appearing personally, and the said Barbara, and Coline, Lord M^cKanyie, appearing by M^r Alexander M^cKanyie, their procurator, and the said Sir Donald not appearing, nor having exhibited the said Barbara, as charged, the Lords find that the defender "in the moneth of August last brocht with him to his boundis and cuntrey the said Marie Lindsay, placet hir in the house of Johnne M^cAngus Roy, his kynnisman, quhair he keipit hir the space of twenty dayis, and that thairefter he brocht hir to his awne house of Durenes, and that, without pitie or compassioun of the hard estaite and havie disease of his said spous, who some few dayis of before wes brocht to bed of a barne, he maist unkyndlie, unnaturallie, and churlischlie causit lift hir out of the bed quhair scho lay and transportit hir to ane outter house without fyre or licht of candle, and that scho had no libertie nor none sufferit to attend upoun hir bot a kitchine las of twelf yeir auld, and that scho wes fed onlie upoun beir, breid, and watter, and that the cuntrey people wer dischairgit to repair unto hir or

ol. 278, a.

to supplie hir with ony necessaris." They, therefore, order the said Sir Donald to enter his person within the Tolbooth of Edinburgh within 15 days and to remain there at his own expense during their pleasure.

Caption against Tennent of Lenhouse for debt to John Crawfurd.

Complaint by Johnne Crawfurd, flesher, burgess of Edinburgh, that James Tennent of Lenhouse remains unrelaxed from a horning of 7th December last for not paying to pursuer the sum of 600 merks of principal and £40 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

ol. 278, b.

Caption against James Baillie, elder of Carphin, for

Complaint by Thomas Lamb, notary, that James Baillie, elder of Carphin, remains unrelaxed from a horning of 21st December 1615 for not paying to pursuer 200 merks of principal and 40 merks of expenses.

debt to Thomas Lamb.

—Pursuer appearing by Alexander Douglas, macer, and defender not appearing, the Lords give order to the Captain of the Guard as above. Decreta Mar. 1616–Jan. 1617.

Complaint by William M'Vurchie and others against Duncan M'Allaster V'Ean and other servants of Sir Donald Mackay of Farr, for assault.

Complaint by Williame M^{c}Vurchie V^{c}Eane Duy, Johnne M^{c}Allaster V^{c}Vurchie, and Katherine Nein Eain Rewache, tenants on the lands of Cogach, as follows:—On Sunday 11th August last, while the said William and Johnne were at the parish church of Cogach, Duncane M^{c}Allester V^{c}Ean V^{c}Neill, Williame M^{c}William V^{c}Thomas, Donald M^{c}Allane V^{c}Conchie, Murdo Moir, and Angus M^{c}Robert Conill V^{c}Hendrie, all household men and domestic servitors to Sir Donald M^{c}Kye of Far, went armed to the "scheillis" of pursuers upon that part of the lands of Cogach called Knokbrek, beside Lochemiskaig, where the said Katherine Nein and some other servant women were in attendance, and there insolently attacked them. They "unmercifullie strak and dang thame upoun sindrie pairtis of thair bodyis, unhonnestlie abused thame, and left thame lyand upoun the ground for deid."—Pursuers appearing by M^{r} Alexander M^{c}Kanyie, and defenders not appearing, the Lords order defenders to enter their persons within the Tolbooth of Edinburgh within fifteen days, and to remain there at their own expense during their Lordships' pleasure. Fol. 279, a.

Sheriffship of Haddington.

"Sir Williame Seytoun his absence and not compeirance to accept the schirefship of Hadingtoun excuisit and continewit to Tyisday nixt." Sederunts. Fol. 1, a.

Sheriffship of Linlithgow.

"That M^{r} Alexander Hamiltoun of Kinglas be writtin for to accept the schirefship of Lynlythgw."

Sheriffship of Dumbarton.

"In respect of the not compeirance of Claud Hamiltoun of Cochno to accept the schirefship of Dunbartane, that a roll be maid of the justiceis of peace within that schirefdome and send up to his Majestie to the effect his Majestie may mak new choise of a schireff."

Stewart of Fallshope and Thomas Scott warded.

"The quhilk day Alexander Steuart of Fallishoip and Thomas Scott, callit of West Tynneis, were committit to warde in the Tolbuithe of Edinburgh quhill thay find lawsouirtie *hincinde* under the pane of v[c] merkis."

Lodging and stabling accommodation in Dunbar and Haddington.

"The quhilk day the baillies of Dumbar and Hadingtoun maid thair reporte in write anent the nomber of ludgeingis and stablis in thair toun[is]."

A document of the late Earl of Gowrie's.

"The Maister of Elphinstoun, in name of his fader, produceit ane of the laite Erll of Gowryis writtis being in his handis, quhilk wes delyverit to the Advocat."

Deposition of the Laird of Bogie concerning the said document.

"The Laird of Bogy, being present and demandit quhat he knew concerning ony right that the laite Erll of Gowry haid to the l[eving] of Tibbermure, or yf he hes or knawis quha hes ony of [the said . . .], deponed that he hes nevir h[aid] . . . . not . . . hes ony writtis concerning that leving, b[ot he] rememberis the Lady Gowry puirchest ane tak of the kirk of Tibbermure, and, when sho gatt hir portioun of the leving of Gowry alloited unto hir, the Lady had viij^{xx} li̅b. assignit to hir oute of that kirk.' Fol. 1, b.

Deposition of

"M^{r} Peter Rollok deponit that he rememberis that he sett ane tak of

Sederunts.

the kirk of Tibbermure at the procurement of the Lady to hir sone Johnne for payment yeirlie of viij^{xx} lib. or thairby, bot rememberis not yf the tak wes subscryvit be the chaptour." Mr. Peter Rollok concerning the same.

"Mr David Prymrois reportit in name of the Erll of Ergyle that the Erll had delyverit his Majesties three palyeonis [*ante*, vol. X. p. 677] to Coline Campbell in Glasgow upoun his acquittance and be a warrand, as the Erll reportit, frome the Maister of Worke; and reportit forder that the Erll wald pay his Majesteis dewyteis of Kintyre betuix and Candilmes." Report by Mr. David Primrose for the Earl of Argyle.

Acta Mar. 1615–Aug. 1617. Fol. 72, b.

[No record of Sederunt.]

Edinburgh, 10th January 1617.

"Forsamekle as his Majesteis Thesaurair and Thesaurair Depute, with the advise of the Lordis Commissionaris of his Majesteis Rentis, hes aggreit with James Liddell for furnissing of breade of quhyte to his Majesteis house, and with Johnne Bellenden and Logane in Leythe for furnissing of aill, and with Hendrie Andersoun in Leythe for furnissing of beir to his Majesties [hous], upoun certane conditionis past betuix thame; and whereas thir undertakaris of the said furnissing mon mak tymous provisioun of a grite quantitie of quhyte and malt afoir hand for the better performeing of thair condit[ionis], quhilk will require a deale of money to be advancet unto thame: Thairfoir the saidis Lordis ordanis the said Deputie Thesaurair to advance to the personis foirsaidis the soumes of money following,—viz., to the said James Liddell the soume of foure thowsand pundis, to the saidis Johne Bellenden and Logane the soume of ane thowsand pundis, and to the said [Hendrie] Andersone the soume of ane thowsand merkis money of this realme for [the] better inabling of thame to mak the said furnissing, and that [frome the first] and reddiest of his Majesteis moneyis being in his Majesteis cofferis [frome] the taxatioun or otherwayes; for the advancing of the quhilkis [soumes the] extract of thir presentis, with the acquittanceis of the pairtyis, salbe [unto him] ane warrand." Warrant for the advance of certain sums of money to James Liddell, John Bellenden, and Logane, to enable them to fulfil their contracts for the supply of bread, ale, and beer for his Majesty's household.

Sederunt—Chancellor; Mar, Treasurer; Tullibardine; Scone; Binning; Master of Elphinstoun; Treasurer-Depute; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsyith; Bruntyland; Sir Andro Hammiltoun; Medop; Sir James Skene; Mr Peter Rollock. Edinburgh, 14th January 1617.

Fol. 73, a.

Forsamekle as James [Bowye, servand of his Majesteis wyne sellair, hes taistit] and ressavit fra the personis particularlie underwrittin the nomber of wynes following for the furnissing of his Majesteis house,—that is to say, frome James Ainslie, mercheand burges of Edinburgh, foure twn and tua peece of wyne, frome Andro Ainslie, his sone, sax twn and tua peece of wyne, fra Williame Gichan, mercheand burges of Edinburgh, tua twn of wyne, fra Robert Murray, mercheand burges of Edinburgh, tua twn of wyne, fra Johne Murray, mercheand burges of Edinburgh, tua Arrangement for the payment of a number of merchants who have supplied quantities of wine for the stocking of his Majesty's wine-cellar.

twn of wyne, fra Eduard Edyair, merchand burges of Edinburgh, ane twn and three peces of wyne, fra Williame Simsoun, mercheand burges of Edinburgh, ane twn and three peece of wyne, fra David Johnestoun, younger, mercheand burges of Edinburgh, tua twn of wyne, fra Andro Simsone, mercheand burges of Edinburgh, ane twn of wyne, fra Johne Byris, mercheand burges of Edinburgh, ane twn and three peece of wyne, fra Thomas Carmichaell, mercheand burges of Edinburgh, twelf twn of wyne, fra Roger Duncanesone, mercheand burges of Edinburgh, ane twn of wyne, fra James M^cMathe, mercheand burges of Edinburgh, ane twn and ane peece of wyne, fra Johne Mathesoun in Edinburgh tua twn of wyne, fra Robert Aitchiesoun in Bruntyland tua peece of wyne, fra Alexander Menteith in Edinburgh three peece of wyne, fra M^r James Strauchane in Edinburgh tua peece of wyne, fra Johne Persone in Edinburgh tua twn ane peece of wyne, and fra John Inglis in Edinburgh ane twn tua peece of wyne; and the personis particularlie abonewrittin, at the least ane grite nomber of thame, compeirand this day befoir the Lordis of his Majesteis Previe Counsall Commissionaris of his Majesteis Rentis, humelie desyring that ane competent price mycht be allowit to thame for thair wynes and a reasounable day appointit and assignit unto thame for payment of the same; and the saidis Lordis haveing at lenth conferrit with thame thairanent: in end it wes aggreit betuix his Majesteis Thesaurair and Thesaurair Depute with advise of the saidis Lordis, on the one pairt, and the personis abonewrittin, on the other pairt, that the said Thesaurair and Thesaurair Depute and Ressavearis of his Majesteis Rentis sall mak payment to ilk ane of thame *respective* for thair awne pairtis of the soume of nyne scoir pundis usuall money of this realme as for the price of everye twn of thair wynes abonespecifeit; and, for thair forder securitie anent the payment of the price of thair saidis wynes, the saidis Thesaurair and Thesaurair Depute with advise of the saidis Lordis hes assignit, and be the tennour heirof assignis, thame and everyone of thame for thair awne pairtis to be payit of the pryceis of thair saidis wynes be the takkismen and fermoraris of his Majesteis customes oute of the first and reddiest of that dewytie addebtit be thame to his Majestie for the custome and impoist of the wynes, and appointit to be payit upoun the first day of August nixttocome, quhilk is the terme that the saidis mercheantis [observis] for the payment of thair saidis wynis." Acta Mar. 1615–Aug. 1617.

Warrant for the delivery of 3000 merks to Sir Henry Wardlaw and James Baillie to be expended in furthering his Majesty's works now in hand.

"The Lordis of Secreit Counsall Commissioneris of his Majesteis Rentis ordanis Sir Gedeone Murray of Elibank, knight, Deputie Thesaurair, to delyver to Sir Henrye Wardlaw and James Baillie the soume of three thowsand merkis money of this kingdome oute of the first and reddiest of his Majesteis moneyis being in his Majesteis cofferis, or of the reddiest of the taxatioun, as best sall pleas the said Deputie Thesaurair, to the effect thay may deburse and gif oute the same for halding fordwart of his Majesteis workes and payment of the wageis of the workemen workeing thairat so far as the same soume will extend unto. For delyverie of the whilk soume to the saidis Sir Henrie

Acta Mar. 1615–Aug. 1617. Fol. 73, b.

Wardlaw and James Baillie the extract of thir presentis with thair acquittance salbe unto the said Deputie Thesaurair ane warrand."

Proclamation against slaying any of his Majesty's bucks that may range beyond the grounds of Falkland Palace, with specification of the penalties to be exacted from offenders of different ranks.

"Forsamekle as the Kingis Majestie hes gevin directioun and command to brek and mak oppin the paile and dyke of his Majesteis park of Falkland in some pairtis thairof, to the effect that the buckis and beastis within the same may sometymes raik furthe thairof, that, so being acquentit with the voyde and oppin pairtis of the dykes, his Majestie, at his comeing heir, God willing, to the hunting this approtcheing sommer, may haif the better occasioun of his sporte and gayme; and whereas his Majestie doubtis not bot that all honnest and dewtifull subjectis, oute of that reverent respect and regaird whilk thay carye to his Majestie, will forbeare to hunt or slay ony of the beastis that sall raik furthe of the park this present yeir, or to do ony other thing whilk may be a latt and hinder to his Majesties sporte and gayme: yitt, becaus it is lyk aneugh that some undeutifull personis, in contempt of his Majestie and misregaird of his Majesteis pleasour and contentment, will hunt or slay suche of the beastis of the said park as thay sall find straigling and raiking through the cuntrey, his Majestie thairfoir, with advise of the Lordis of his Secret Counsall, ordanis letteris to be direct to command, chairge, and inhibite all and sindrie his Majesteis liegeis and subjectis, of quhat estate, qualitie, degree, or conditioun soevir thay be, that nane of thame presoome nor tak upoun hand to hunt or slay ony of the buckis or beastis that sall raik furthe of the said park this present yeir, under the panes following to be incurrit be the persone or persones quhatsomevir that sall violat or contravene this present act and proclamatioun,—that is to say, everie erll fyve hundreth merkis, everie lord foure hundreth merkis, everie barone three hundreth merkis, everie landit gentilman one hundreth merkis, and everie commoun man fourty pundis; certifeeing thame that failyees or dois in the contrair that the saidis panes salbe upliftit of thame, and thay salbe otherwayes punist in thair personis at the arbitrement of his Majesteis Counsall."

Mr. Alexander Hamilton accepts the Sheriffship of Linlithgow and Claud Hamilton that of Dumbarton.

"The quhilk day in presence of the Lordis of Secreit Counsall compeirit personalie Mr Alexander Hammiltoun in Kinglas, and acceptit upoun him the office of shirefship of the shirefdome of Linlytgow; and siclyke compeirit personalie Claud Hamiltoun of Coghno, and acceptit upoun him the office of shirefship of the shirefdome of Dunbartane. Lyke as ather of thame gaif thair grite and solemne oathe that thay [sall] use and exerce the saidis officeis faithfullie and treulie according to thair [knaw]ledge."

Order for the payment of 940 merks to the tenants of the park of Holyrood House as compensation for their vacating the park till Michaelmas

"Forsamekle as the Lordis of Secreit Counsall Commissionaris of his Majesteis Rentis hes aggreit with the tennentis of the park of Haliruidhous that [thay sall] put thair haill bestiall and goodis furthe of the said park and hold thame [furthe] thairof to Michaelmes nixt, to the effect the said park may be keepit [and] hayned for the pasturing and feiding of some weddaris and otheris [bestiall] and goodis for the furnissing of his Majesteis house, and that no forder

next, so that wedders, &c. may be fed on it for the use of his Majesty's household.

said park salbe revin oute nor is alreddy revin oute; for the quhilk [it is] aggreit to gif unto the saidis tennentis the sowme of nyne hundreth [and] fourty merkis: Thairfore the saidis Lordis ordanis and [commandis] Sir Gedeone Murray of Elibank, knicht, Deputie Thesaurair, to mak [payment] to the saidis tennentis of the sowme foirsaid of nyne hundreth [and fourty] merkis oute of the first and reddiest of his Majesties moneyis being in [his] handis. Anent the payment of the whilk sowme the extract of this act [and] the acquittance of the pairtie salbe unto the said Sir Gedeone ane [warrand.]" Acta Mar. 1615–Aug. 1617.

Edinburgh, 14th January 1617.

[Sederunt as recorded above.]

Decreta Mar 1616–Jan. 1617. Fol. 279, b.

Caption against Lord Colvill of Culross for debt to Harry and James Naismith.

Complaint by Harie Nasmyth, son and heir of the late Johnne Nasmyth, "his Majesteis chirurgiane," and James Nasmyth of Posso, his tutor, that James, Lord Colvill of Culrois, remains unrelaxed from hornings of 1st and 6th September 1615 for not paying to pursuer and his said tutor £200 English money, together with the annual rent of the same still unpaid and £30 of expenses.—The said James Nasmyth appearing personally, and Lord Colvill not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 280, a.

Prosecution of a number of persons for dealing in tobacco notwithstanding the late Act against the use of "that infective weed."

Complaint by the King's Advocate, as follows:—Despite the act against the "taking of that infective wead of tobacco" (*ante*, vol. X. p. 516) which was published at the market cross of Edinburgh on 27th May last, these persons,—viz., George Scott, Johnne Young, Johnne Ritchie, and George Smyth, all dwelling in the Nethirbow of Edinburgh, William Huttoun in the Blak Freir Wynd, Robert Galbraith, David Weir, Thomas Blak, James Braidfoote, Nicoll Yoole, Walter Yoole, Helene Scarlat, Johnne Jak, Johnne Meyne, Andro Scot, David Joynkene, Robert Traill, Thomas Storie, Johnne Vetche, younger, all indwellers in Edinburgh, and Johnne Cadie in Leith,—have dealt in tobacco.—Pursuer appearing personally, and the defenders also appearing, and it having been urged by the latter that the tobacco was in their possession before the publication of the act, that a part of the same is yet unsold, and that they, "haveing the fredome and previledge of commerce and trade," cannot be constrained to "cast their tobacco away," the Lords assoilzie defenders, and name the last day of March next as the limit of time in which they must "clenge thair handis of all the tobacco that thay haif." Fol. 280, b.

Prosecution of Harry Morison, merchant, for deforcing a messenger sent to arrest some tallow and other forbidden goods of his on board a ship at Leith, and of James Chapman for

Complaint by the King's Advocate, as follows:—On 5th October last, Niniane Ramsay, messenger, went, by direction of the Treasurer-Depute, to search a ship of Leyth belonging to William Robertson, skipper, wherein, it was alleged, Harie Moresoun, merchant, had some tallow candles and other forbidden goods. "The said officer haveing apprehendit the talloun and arreistit the same with the schip, the said Harie not onlie causit the company of the schip rub af the arreistment, bot he causit cloise the duris of the schip and preast to have cassin him Fol. 281, a.

Decreta Mar. 1616–Jan. 1617.

overboard; quhilk he had not faillit to have done wer not he wes stayit be some of the company of the schip." Again, on August last, the said Niniane having challenged three last of tallow in a ship of Leyth of which James Chopman is master, and having arrested the ship and tallow, the said James promised to put his ship back into harbour at Leyth or Bruntiland, and there "to losse the talloun." Nevertheles "he lowsit and past away with the talloun, and disponit upoun the same at his pleasour without the cuntrey."—Pursuer appearing personally, and the said James Chopman being present, but the said Harie Moresoun not appearing, the Lords order the said James to compone with the Treasurer for his offence, he having confessed that he had six barrels of tallow at the time libelled, of which three were his own, and three belonged to Johnne Thomesoun. "Upoun some respectis and considerationis" the Lords "excuisis the absence and not compeirance of the said Harie Moresoun till he be wairnit of new."

evading the arrest by the same messenger of a quantity of tallow on board of another ship at Leith.

Commissions. Fol. 19, a.

Exemption granted to Gilbert Johnestoun of Pettismiln, and James Johnestoun, his brother, "fra all compeiranceis or passing upoun assyisis or inqueisteis," in respect that they are "aigeit men, the one of thame past threescore and aucht, and the other past threescore and sevin yeiris, and both of thame so feible, waik, and unable of persone, pairtlie by seiknes and pairtlie by aige, that thay ar not able to travell ane myle or tua frome thair awne housis without hasaird of thair lyves,"—as is verified by a testimonial from the minister and elders of the parish of Monkegye. Given under the Signet, and signed by the Chancellor, Mar, Abercorne, Tullibardine, and Binning.

Edinburgh, 14th January 1617. Exemption of Gilbert Johnston of Pettismiln and his brother from attendance at assizes and inquests on the ground of their old age and weakness.

Sederunts. Fol. 2, a.

"Ane warrand past for putting of Williame Hay, bruther to the Erll of Errole, to libertie; and the Laird of Geycht ordanit to be tane cautioner for him."

Warrant for the liberation of William Hay on caution from Gordon of Gicht.

Sederunt—Chancellor; Mar, Treasurer; Hammiltoun; Wyntoun; Lynlythgow; Abircorne; Tullibardine; Scoone; Bugcleugh; Binning; Master of Elphinstoun; Treasurer-Depute; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsaythe; Medop; Sir Andro Hammiltoun; Sir James Skeene; M^r^ Peter Rollok.[1]

Edinburgh, 16th January 1617.

"The quhilk day the toun of Edinburgh maid thair reporte anent the nomber of ludgeingis and stabillis in the toun."

Report on lodging and stable accommodation in Edinburgh.

"The quhilk day the toun of Mussilburgh maid thair reporte; and the Erll of Wyntoun for Tranent and in name of the Erll of and Laird of Prestoun for Prestoun and Prestoun Panis maid reporte."

Similar reports from Musselburgh, Tranent and Prestonpans.

"[Proclamatioun] aganis the hunting and slaying oute of the park of Falkland." [Probably same as *ante*, p. 7.]

Falkland Park.

[1] The following items from the *Book of* The Sederunt is identical with that in the *Sederunts* probably represent the business *Decreta* under this date. done at the forenoon meeting of the Council.

Edinburgh, 16th January 1617.

[Sederunt as recorded above.]

Decreta Mar. 1616-Jan. 1617.

Caption against George Auchinleck of Cumlege for debt to Patrick Hamilton.

Complaint by Patrik Hammiltoun, writer to his Majesty's Signet, that George Auchinlek of Cumledge remains unrelaxed from a horning of 25th November 1616 for not paying to him 1100 merks of principal and 200 merks of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 281, b.

Suspension of hornings against Gordon of Gicht.

Complaint by George Gordoun of Geycht that he has been put to the horn wrongously for not entering into ward to answer these charges,—(*a*) the pursuit of William, George, and M^r^ Patrik Hay (*ante*, vol. X. p. 456, &c.), and (*b*) the slaughter of Frances Hay (*ante*, vol. X. p. 496, &c.), and (*c*) his not appearing to answer the complaint anent the trouble between him and the brethren of Brunthill. As he was never lawfully charged to enter his person or to appear, and as he had found caution in 6000 merks to appear this day, and will make payment of 200 merks to the Treasurer for his escheat, he pleads that the hornings should be suspended.—Pursuer and the King's Advocate appearing personally, the Lords, in respect of the Laird's appearance, suspend the letters of horning. They order him to find caution in the sum of 5000 merks to keep the peace and to appear before them to answer for the said crimes, and to find caution in the Books of Adjournal for his appearance before the Justice to the same effect, under the said pain of 5000 merks. Caution is to be found within 48 hours. Fol. 282, a.

Complaint of Mr. George Nisbet, Schoolmaster of Musselburgh, against John, William, and Daniel Thomson for assault.

Complaint by M^r^ George Neisbitt, Master of the Grammar School of Mussilburgh, as follows:—On the night of 11th January instant, while he was repairing alone and unarmed from Edinburgh to his house in Mussilburgh, he was overtaken by Johne Thomesoun in Newbigging, and William and Daniell Thomesoun, his sons, who had conceived a deadly hatred against him, because he had recovered decreet for certain sums of money against the said Johnne. They followed him on horseback, and, after upbraiding him, proceeded to commit a most violent assault upon him with drawn swords, so that he was saved only by the timely intervention of some good people.—Pursuer appearing personally, and the defenders, except the said Johnne, appearing, the Lords find the charge proven, and order the said sons to be committed to the Tolbooth of Edinburgh. They assoilzie the said Johnne, because pursuer has failed to prove the charge in his case. Fol. 282, b. Fol. 283, a.

Whitehall, 18th January 1617.

Licence to the Earl of Morton to travel abroad.

Licence is given to William, Earl of Mortoun, to travel in France, Germany, or Italy for three years without skaith to his person, lands, and goods, provided he behave as a loyal subject. Given at Whitehall, and signed by the Chancellor and Binning. Commissions. Fol. 28, a.

Edinburgh, 21st January 1617.

Sederunt—Chancellor; St. Androis; Mar, Treasurer; Abircorne; Lotheane; Tullibardine; Scone; Binning; Bugcleugh; Cranstoun; Acta Mar. 1615–Aug. 1617. Fol. 74, a.

Acta Mar. 1615-Aug. 1617.

Bishop of Caithnes; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Sir Andro Hammiltoun; Sir James Skeene; M^r^ Peter Rollok; Sir Andro Ker.

Lord Carnegie admitted of the Council.

This day David, Lord Carnegie, was admitted of the Council, and, being present, took the oath of allegiance and the oath of a Privy Councillor. "His Majesties missive letter for the warrand of the act abonewritten:—Right trustie and right welbeloved cosen and counsellour, wee greete yow well. Haveing sufficient knawledge of the qualificatioun of the Lord Carnegie, and of his dispositioun and goode affectioun to our service, we ar weele pleased to preferre him to our Previe Counsall in that our kingdome. These ar thairfore to require yow to call him before yow, and to caus the oathes accustomed in the like caises be ministered unto him, and therefter admitt him to a place in our said Previe Counsall, to enjoy all honnoris, dignities, previleges, and immunities whiche ony other our Previe Counsellour enjoyeth by his place in our said Counsaill. In whiche behalfe as these presentes salbe unto yow ane sufficient warrand, so we bid yow fairwell. At our mannour of Theobaldis, the elevint of Januair 1617."

Borders Jan. 1603-Jan. 1643. Fol. 42, b.

Edinburgh, 21st January 1617. Sir John Murray of Philiphaugh appointed one of the Commissioners for the Middle Shires, in room of Treasurer-Depute Sir Gideon Murray, whose other employments prevent his constant attendance on this, but with reserve for Sir Gideon of liberty to sit and vote in the Commission whenever his other employments will permit.

"Forsamekle as Sir Gedeone Murray, knight, his Majesteis Deputie Thesaurair, being ane of the Commissionaris nominat be his Majestie to attend his Heynes service in the Middle Shyris of this kingdome, can not now convenientlie attend and await upoun that charge, in respect of his otheris necessair imployments elswhair in his Majesteis affairis and service, so as it is requisite that some otheris be appointit to supplee that place in the Middle Shyris; and the Kingis Majestie being weele informit of the sufficiencie of Sir Johnne Murray of Phillophaugh, knight, to discharge that place and service: Thairfoir his Majestie, with advise of the

Fol. 43, a.

Lordis of his Secreit [Counsell], hes maid and constitute, and be the tennour heirof makis and constitutis, the said Sir Johnne Murray of Phillophaugh, knight, ane of his Majesteis Commissionaris and Justiceis within the boundis of the schirefdomis of Beruick, Roxburgh, Selkirk, Peblis, Drumfreis, and Stewartreis of Kirkcudbright and Annanderdaill, in the place and charge formarlie possest be the said Sir Gedeoun, and hes adjoint, and be the tennour heirof adjoinis, the said Sir Johnne to the otheris Commissionaris and Justiceis quho hes the charge and oversight of his Majesteis affairis and service within the schirefdomis foirsaidis, be vertew of his Majesteis commissioun past and exped unto thame under his Majesteis grite seale and beareing date at Quhytehall the third day of November the yeir of God j^m^ vj^c^ and threteene yeiris, and hes authorized and authorizes the said Sir Johnne with als grite fredome, libertie, previlege, auctoritie, and jurisdictioun in all respectis as ony of the remanent commissionaris specifeit and contenit in the said commissioun hes be vertew of the same. And, to the effect the said Sir Johnne may be the more able to attend this service, his Majestie with

advise foirsaid gevis, grantis, and disponis to him that same yeirlie feall and dewytie quhilk formarlie wes allowed and payit to the said Sir Gedeone, commanding heirby the officiaris and ressavearis of his Majesteis rentis to mak payment to the said Sir Johnne of the yeirlie feall and dewitie foirsaid formarlie allowit and appointit to be payit to the said Sir Gedeone, at twa termes in the yeir, Witsonday and Martymes in wynter, be equall portionis, begynnand the first termes payment at the feist and terme of Witsonday nixttocome. And, nochtwithstanding of the premisis, his Majestie with advyse foirsaid commandis and ordanis that, quhensoevir his Majesteis otheris affairis will permitt the said Sir Gedeone to attend his Majesteis service in the Middle Shyris, that he sall haif place and voice amangis the Commissionaris as he had befoir the nominatioun of the said Sir Johnne to supplee his rowme."—Follows his Majesty's missive anent this business, dated at Whitehall on 15th November 1616. The letter has been copied almost verbatim into the Act; but the following sentence occurs at the end:—"And, to the intent that frome tyme to tyme we may knowe how far the peace of the cuntrie is procurit by oure saidis Commissionaris, it is our forder pleasour that, according to oure injunctionis gevin at the institutioun of that service, yow frequentlie call befoir yow oure saidis Commissionaris and tak ane exact accompt of thair procedingis." [Cf. *Royal Letter*, ante, *vol. X. p.* 847.] Borders Jan. 1603–Jan. 1643.

"The quhilk day, Sir Johnne Murray of Phillophaugh compeirand personallie befoir the Lordis of Secreit Counsaill, he acceptit upoun him the commissioun abonewrittin, and gaif his oathe to administrat the same faithfullie and diligentlie according to his knowledge." Fol. 43, b.

[Sederunt as recorded above.]

Edinburgh, 21st January 1617. Order for the appearance before the Council of the sons of the late David Stewart, and their tutors and curators, for the determination of some questions involved in a proposed submission by George Pringle of Buckholme and Alexander Stewart of Falshope of the feud between them on account of the slaughter of the said David Stewart.

Decreta Mar. 1616–Jan. 1617. Fol. 283, b

"Forsamekle as, thair being ane submissioun past betuix George Pringle of Buckholme, on thè ane pairt, and Alexander Stewart of Fallishoip, on the uther pairt, thair is some questioun maid thairin, and anent the determinatioun of the freindis upoun the headis of that submissioun upoun occasioun of the slauchter of umquhill David Stewart, neir kynnisman to the said Alexander, whilk slauchter the said George cravis to be comprehendit within the said submissioun as ane speciall brenche and member of the same; and thairfore necessar it is that the bairnis of the said umquhill David be hard in this mater, and that thair awne consent be had thairunto; for quhilk purpois the Lordis of Secrite Counsaill ordanis letteris to be direct chairgeing sones of the said umquhill David, and thair tutoris and curatoris, gif thay [ony] have, for thair interesse, to compeir personalie before the saidis Lordis upoun the ellevint day of Februair nixttocome, to submit for thair pairt all feid and querrell that thay haif or can pretend aganis the said George for the slauchter foirsaid of thair said fader, or then to gif thair consent to be comprehendit within the submissioun foirsaid already past betuix

Decreta Mar. 1616-Jan. 1617.

the saidis George Pringle and Alexander Stewart, or ellis to schaw ane reasounable caus quhy the samyn sould not be done; and that thay compeir personalie to the effect abonewrittin undir the pane of rebellioun, &c., with certificatioun, &c."

Complaint by David Boiswell, brother of the Laird of Balmowto, as follows:—Johnne Boiswell of Pittedie, having conceived a deadly hatred against pursuer, has often lain in wait for him to have his revenge. On Sunday 29th December last, defender, careless of the occasion or of the oath which he had taken in presence of the Council, went with a tumultuous band of armed accomplices to the kirk of Kinghorne, whither pursuer had repaired for morning and afternoon service. "At the dissolveing of the people frome the afternoones exercise, the saidis personis persaveing the said David Boiswell going furth of the said kirk, thay followit him at the bak, and thair, without respect of the tyme and place, maist feirslie set upoun the said complenair, he being single and him allane." Pursuer was rescued by some people near at hand.—Pursuer and defender both appearing, the Lords assoilzie defender, because the pursuer has failed in his proof.

Complaint by David Boswell, brother of the Laird of Balmowto, against John Boswell of Pittedie for assault: defender assoilzied.

Fol. 284, a.

Complaint by the King's Advocate, as follows:—"Upoun the xxix day of December last, being Sonday and the Lordis halie Sabboth, Johnne Boiswell of Pittedie, David Boiswell, bruther to the Laird of Balmowto, and Johnne Boiswell, baillie of Kinghorne, being at the kirk of Kinghorne at the preitcheing, and it being expectit that thay wald have forborne thair foleyis that day and in regaird of the tyme and place wald have keipit his Majesteis peace, notwithstanding, immediatlie efter the preitcheing, the saidis personis, with a nomber of the inhabitantis of Kinghorne, who come all to the kirk that day with thair swordis about thame in the querrell of the said David Boiswell, haveing schaikin af all feir of God and reverence of the law, enterit in persute of utheris within the kirkyard of Kinghorne with drawne swerdis and uther airmour, strak a nomber of straikis the one at the uther, and raisit a verie grite tumult and disordour within the kirk and kirkyaird, quhilk hardlie could be satled."—Pursuer appearing, and the abovenamed defenders being also present, the Lords find "that the saidis David Boiswell and Johnne Boiswell, baillie, wer the first invaidairis and persewairis of the said Johnne Boiswell of Pittedie," and order them to be committed to the Tolbooth of Edinburgh. They assoilzie Johnne Boiswell of Pittedie.

Fol. 284, b.

Prosecution by the King's Advocate of both parties in the above suit for riotous conduct and mutual assault on a recent Sunday in the kirk of Kinghorn: David Boswell and one of his friends committed to the Tolbooth of Edinburgh as the beginners of the fray, and Boswell of Pittedie again assoilzied.

Complaint by the Treasurer-Depute, as follows:—Pursuer, with advice of the Lord High Treasurer and the Commissioners of his Majesty's Rents, had agreed with the tacksmen of the Park of Halyruidhouse "that thay sould leave the said perk void and red this present yeir, to the effect the same micht be hayned for the pastureing of goodis to his Majesteis house" (*ante*, p. 7), and the tacksmen had then removed their "goods." Nevertheless, James Ker in Dudingstoun, Robert Ker there, Johne Young there, Richart Cairnis there, Alexander Broun in Restalrig, James Ker in the Cannogait, Johnne Lyell in Plesance, and Harie Listoun in Bakraw

Fol. 285, a.

Prosecution by the Treasurer-Depute of James Ker in Duddingston and seven others for pasturing their cattle in the Park of Holyrood, notwithstanding the recent edict

reserving the use of the Park for the pasturing of sheep, &c. for his Majesty's household.

have broken the dyke at sundry places, and have placed a number of "bestiall and goodis" within the park.—Pursuer and defenders appearing personally, the Lords order defenders to remove all their "goodis" and to desist from pasturing them in the park during the present year, under these pains, to be incurred daily: for every horse, 13s. 4d.; for every nolt, 10s.; for every sheep, 40d. Decreta Mar. 1616–Jan. 1617. Fol. 285, b.

Promise by the Commissioners of the Middle Shires to hold a Justice-Court in those Shires as soon as possible for the trial of recent disorders there, and to report on the state of the Shires to the Council.

"The quhilk day the Commissionaris of the Middle Shyris,—to witt, the Lord of Cranstoun, Sir Gedeone Murray, Sir William Seytoun, and Sir Andro Ker,—compeirand befoir the Counsall, conforme to the missive letteris direct unto thame, for geving ane accompt of thair procedingis in the executioun of the commissioun grantit unto thame, thay declairit that thay wald appoint and hald ane justice courte with suche diligence as convenientlie thay may, and thairin wald try the estaite of the cuntrey, the caus of the disordoris and thiftis, and the personis guiltie thairof; and that thay wald tak ordour for apprehending and punisheing of offendouris; and thay promeist to reporte to the Counsaill upoun the first Counsaill day of Marche after the conventioun quhat thay haif done in that bussynes." Sederunts. Fol. 2, b.

The Laird of Wauchton and the Sheriffship of Haddington.

"The quhilk day the Laird of Wauchtoun compeirand befoir the Counsell and being desirit to accept upoun him the office of schirefship of Hadingtoun for this ensewing yeir, he excuisit him selff as not being able to discharge that service, in respect of his infirmitie and seiknes, and that he wes upoun his preparationis to go oute of the cuntrey for recoverie of his helthe, and for this effect at Martymes last had dishargeit his housholde servandis; and that the onlie caus of his stay now wes till his wyffe wes broght abed, and quhill he micht haif his Majesteis licence for his depairting. The Counsaill, having hard him, ordanis his Majestie to be acquentit with his answer."

Sederunt—Chancellor; St. Androis; Binning. Fol. 3, a.

Edinburgh, 22nd January 1617.

The Provost, Magistrates, and Town Council of Edinburgh, and the five ministers of Edinburgh, called to account for "tumultuous" proceedings at a recent meeting for the election of new ministers for the burgh, and especially for not at once electing Mr. Robert Balcanquhall, who had been recommended

"The quhilk day Williame Nesbitt, Provest, James Nesbitt, . . . soun, and Johnne Fairlie, Baillies, David Aikinheade, Deane of G[ild, and] Johnne Byris, Thesaurair, with some of the Counsell of the burgh of Edinburgh, Mr Patrik Galloway, Mr Johnne Hall, Mr Andro Ramsay, Mr Williame Strutheris, and Mr Thomas Sydserff, ministeris of Edinburgh, compeirand befoir the Lordis, and thay being demandit anent the forme and maner of the tumultuus and mutinous comeing of a nomber of the inhabitantis of the said burgh to that meeting and assemblie quhilk wes keepit in the said burgh for the lyteing and electioun of some personis for thair ministerye, it wes ansuerit be the said Provest and be the ministeris that the forme and ordour usuallie observit within the said burgh anent the electioun and lyteing of the ministerie is to warne the haill nyghtbouris of the toun to conveene at the tyme and place appointit to gif thair opinioun and voices anent the said electioun, and that this wairning is commounlie maid frome the pulpett be the ministeris; and

ederunts. that accordinglie the Provest and Baillies, with the auld and new Counsaill and the auld and new Sessioun, with a nomber of otheris nyghbouris of the toun, convenit in the Litle Kirk upoun the xvij day of December last in a verie peceable, quiet, and modest maner, without ony kynd of appeirance or show of mutinye or tumult, and that not ane of thame spak ane word quhill thay wer callit upoun and thair voiceis and opinioun craved anent the mater whilk wes in hand; and that no man wes callit upoun bot these of the auld and new Counsell and of the auld and new Sessioun, with some foure grave and honnest men of the toun who had borne office and chairge within the same; and that thay all delyverit thair voices with that kynd of respect and modestie that became thame. And the saidis Provest and Baillies and ministeris declairis that thay never saw a more calme, peceable, and quiet meeting within the burgh of Edinburgh nor thay saw that day. And, thay being demandit upoun quhat occasioun the lyteing of M[r] Robert Balcanquell for ane of thair ministeris wes broght in questioun, seeing he had bene anes for[mar]lie and ordourlie lyted, it wes answerit that he wes anes lyted, and at the secund meeting of the brethreene upoun the xvij day of December last the mater wes then broght in questioun be a no[mber of

Fol. 3, b. personis] who wer present, who alledgeit that thay h . . . . . the first lyting, becaus thay apprehendit that, albeit thay had lyted [him], that notwithstanding the nominatioun and approbatioun of him to be thair minister wald be reservit to the toun; and, seeing his Majestie be his most gratious letter send to the toun in favour of M[r] Robert had reservit to the toun thair awne fredome and libertie in thair electioun, and had onlie recommendit M[r] Robert conditionallie so as he wes fundin qualifeit, thay thairfoir desirit that thay might be hard of new; and, the same being with some difficultie grantit, it then past through with pluralitie of voites that he sould be first tryed afoir he wer lyted. And the Provest and Baillies declairit that thay and the Counsaill convenit that same day in the foirnoone afoir the generall meeting of the haill company and resolved amangis thame selffis to stand to thair first lyteing of M[r] Robert."

by his Majesty: their denial that the proceedings had been "tumultuous," and account of what had actually occurred.

Acta Mar. 1615-Aug. 1617. *Sederunt*—Chancellor; St. Andros; Glasgow; Mar, Treasurer; Tullibardine; Bishop of Aberdeen; Scone; Bugcleugh; Binning; Carnegye; Master of Elphinstoun; Treasurer-Depute; Previe Seale; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Sir James Skeene; Sir Andro Hammiltoun; M[r] Peter Rollok; Sir Andro Ker.

Edinburgh, 23rd January 1617.

"The Lordis of Secreit Counsall Commissioneris of his Majesties Rentis ordanis Sir Gedeone Murray of Elibank, knicht, Deputie Thesaurair, to delyver to James Bowye, servand of his Majesties wyne sellair, the sowme of tuelff hundreth pundis usuall money of this kingdome oute of the first and reddiest of his Majesteis moneyis being in his cofferis, or of the

Warrant for the delivery to James Bowie, "servant to his Majesty's wine-cellar," of £1200 for his expenses in

his Majesty's service in Scotland and in the special visit he is directed to make to France.

reddiest of the taxatioun being in the said Sir Gedeounis handis and keeping, and that for the chairges and expensis of the said James Bowye in attending his Majesteis service in this cuntrey, and for defraying of his chairges and expensis to France, whairunto he is now directit be the saidis Lordis for some speciall occasionis of his Majesteis affairis and service. Anent the payment and delyverie of the quhilk sowme to the said James Bowye the extract of thir presentis with the said James acquittance salbe unto the said Sir Gideoun ane sufficient warrand." Acta Mar. 1615–Aug. 1617.

Warrant for the payment to the Earl of Linlithgow of 360 merks as recompense to him for his agreement to reserve all the remaining pasture of the Park of Linlithgow for the feeding of wedders to be placed on it for the use of his Majesty's house.

"Forsamekle as the Lordis of Secreit Counsall Commissioneris of his Majesteis Rentis hes aggreit with Alexander, Erll of Linlytqw, keepair of his Majesteis palice and park of Linlythqw, that so muche of the said park as is not alreddie revin oute salbe keept and hayned for the pasturing and feiding of some wedderis to the furnissing of his Majesteis house, and that no other bestiall and goodis (saulffing his Majesties awne goodis) salbe putt or haldin within the said park, and that no forder salbe revin oute thairof nor is alreddie revin oute; for the whilk thay haif aggreit to gif unto the said Erll the sowme of three hundreth and threescoir merkis, to be payit upoun the aucht day of Junij nixttocome: Thairfoir the saidis Lordis ordanis Sir Gedeone Murray of Elibank, knicht, Deputie Thesaurair, to mak payment of the sowme foirsaid to the said Erll of Linlythqw at the day abonewrittin. Anent the payment whairof the extract of thir presentis, with the said Erll his acquittance upoun the ressett of the said sowme, salbe unto the said Deputie Thesaurair a sufficient warrand." Fol. 74, b.

Warrant to the Treasurer-Depute for the delivery of £23,058, 14s. to James Baillie, to be spent by him in England and in France in the purchase of "banqueting stuff and other necessaries" for his Majesty's entertainment on his approaching visit.

"Forsamekle as the Lordis of Secreit Counsall Commissionaris of his Majesteis Rentis hes thocht meete to direct and send James Baillie, ane of the ressavearis of his Majesteis Rentis, to the cuntreys of France and England for bying and making provisioun of banquetting stuff and otheris necessaris for his Majesteis furnissingis at his comeing heir, God willing, this approtcheing sommer: Thairfore the saidis Lordis ordanis Sir Gedeone Murray of Elibank, knight, Deputie Thesaurair, to delyver to the said James Baillie the sowme of xxiij^{m} lviij^{li}ib. xiiij^{s}. usuall money of this kingdome oute of the first and reddiest of his Majesteis moneyis being in his Majesteis cofferis, outher of the taxatioun or of otheris moneyis being in his Majesteis cofferis under the chairge and keeping of the said Sir Gedeone, or oute of the reddiest of his Majesteis moneyis whilkis the said Sir Gedeone hes lyand in England, to the effect the said James Baillie may with the said sowme provyde and buy the said ban[quet]ting stuff and otheris necessaris. Anent the delyverie of the quhilk sowme the extract of thir presentis with the said James Baillie his acquittance upoun ressett thairof salbe unto the said Sir Gedeone ane sufficient warrand.'

Edinburgh, 23rd January 1617.

[Sederunt as recorded above.]

Complaint by

Complaint by Nicoll M^{c}Ghie, ostler at the kirk of Balmaghie, Nicolas Decreta Mar. 1616–Jan. 1617

ecreta Mar. 16–Jan. 17.

Nicol M'Ghie, ostler at Kirk of Balmaghie, and his wife and son, against John Gordon, apparent of Hills, and his servant George Wright, for a series of assaults.

Chairteris, his spouse, and Alexander M^cGhie, their son, as follows :— Johnne Gordoun, apparent of Hillis, and George Wricht, his servant, have often sought occasion to execute their private grudge against pursuers. On November last, the said George Wricht went to pursuer's house at Balmaghie ; "and thair, efter denner, the said George pretending a querrell aganis him becaus he modestlie and lauchfullie refuisit to pledge him ane scole or grite drink of aill, he pat violent hand in the said Nicoll besyd his awne fyre, and kaist him heidlangis almaist in the fyre, as also pat violent hand in the said Nicolas Chairteris, and with his teithe bett af the foirfinger of hir left hand." On Sunday 23rd November last, as the said Nicoll was coming out of the kirk of Balmaghie just after the forenoon service, he was assaulted "in the verie kirk dure" by the said George with a drawn sword. He was struck through the cloak behind his back, and narrowly escaped with his life. During the night of 6th December last, the said Johnne Gordoun and George Wricht went by way of hamesuckin to pursuer's house, where the said Nicoll wes lying "deidlie seik of ane havie fevir and seiknes of body" ; and "the said Johnne Gordoun dernit and hid him selff in the said Nicollis corne-yaird undir ane hay stak, and his said servand hid him self in the kaill yaird at the bak of the said Nicollis said house, and thair awaitit the best opportunitie how to haif murdrest the said Nicoll and his said sone. And, the said Alexander M^cGhie, who is bot ane young boy, persaveing the said George Wricht looking in at ane bak windo of the said house, and takand occasioun thairby to come furth unto him to haif askit of him quhat he sould be doing thair that tyme in the nicht, the said George Wricht, howsoone he saw him, come furth feirslie, set upoun him, and with ane drawn swerd schamefullie, cruellie, and unmercifullie invaidit and persewit him of his lyff. And at the same verie tyme quhen the said George wes stryking at the said young boy the said Johnne Gordoun come quietlie oute undir the said hay stak or evir the said Alexander could persave him. The said Johnne Gordoun with ane drawne swerd first strak the said Alexander behind his back throw the richt sheulder blaid doun to his syde, swa that his lichtis and intrellis may be sene, and thairefter gaif him ane uther stryke upoun the richt syd of the head abone his vayne organe sua that his harne-pan is cuttit and his harnis may be seene, and left the said Alexander lyand upoun the ground for deid, quhairof he is still lyand bedfast nawyse able to convalesce. And, not content thairwith, come to the said Nicollis house dure, forceabl[i]e brak the same up, and entering thairintill forgadderit with the said Nicoll his said spous ; who on hir kneis cryand for Godis mercie to hir poore husband then lyand deidlie seik of the fever as said is, the said Johnne Gordoun, proudlie and disdanefullie refuiseing to grant ony mercie, avowit to haif his hairt blood and to wring his handis thairintill ; quhilk he had not faillit to haif done wer not be the providence of God thair wer some gentilmen in the house for the tyme who stayit him. And the said Johnne Gordoun held ane drawne swerd to the said Nicollis wyffis

bl. 286, a.

bellie, had almaist rwn the same throw hir, and gaif hir mony strykis on sindrie pairtis of hir body; and, gif the gentilmen who wer present had not transportit the said Nicoll M^cGhie over the Watter of Die and layd him in ane stane house, thay had not faillit to have slane him that nicht."— Nicoll M^cGhie appearing for pursuers, and defenders not appearing, the Lords find the assault in the kirkyaird on 23rd November and the assaults on 6th December proven, and order defenders to enter their persons within the Tolbooth of Edinburgh within six days. Decreta Mar 1616-Jan. 1617. Fol. 286, b.

Edinburgh, 23rd January 1617. Commission to the Sheriff of Aberdeen and his deputes for the apprehension and trial of Alexander Ogston in Tyrie, his wife, and his father-in-law and mother-in-law, accused of child-murder.

Commission under the Signet, signed by the Chancellor, Mar, St. Andros, Tullibardin, and James, Bishop of Glasgow, is given to the Sheriff of Aberdene and his deputes to apprehend and try Alexander Oigstoun in Tyrie, Archibald Penny in the parish of Rathine, Agnes Yoill, daughter-in-law of the said Alexander and wife of the said Archibald, and Issobell Fraser, her mother, on the following charge:—The said Alexander Ogstoun, "being suspect and dilailit to the sessioun of the kirk of to haif keipit unlauchfull societie and companie with Agnes Yoill, his daughter-in-law, and thay being both convenit befoir the said sessioun of the kirk for that caus and haveing purgeit thame selffis be thair solemne oathis that thair wes no just caus of suspitioun aganis thame, the sessioun of the kirk restit satisfiet with thair purgatioun, and no forder wes proceidit thairin. And, in the moneth of September last or thairby, Archibald Pennie within the parrochine of Rathine haveing enterit in termes and conditioun of marriage with the said Agnes, and some new suspitionis and bruitis being arrissin that sho wes with childe, the said Archibald and sho wes thairupoun convenit befoir the sessioun of the kirk of Rathine, and purgeit thame selffis be thair grite oathe that thay wer frie of otheris and that the said Agnes wes not with childe. Quhairupoun the marriage wes solempnizat betuix thame. And, notwithstanding of thair oathis first and last solemnlie gevin as said is, the said Agnes wes in the verie meanetyme grit with child, and in hir last quarter; and upoun the third day of Januair instant sho wes brocht to bed and delyverit of a levand barne to the full tyme and incestuuslie procreat betuix hir and the said Alexander Oigstoun, hir father-in-law. And immediatlie efter hir delyverie, sho and the said Archibald Pennie, hir husband, and Issobell Fraser, hir mother, consulting how and by what meanes thay micht best conceale that incestuus birth, in end thay resolved that the best expedient for thame wes to murthour the innocent infant. And thay, all thrie concurring togidder in consent and opinioun, then presentlie patt thair detestable, horrible, and odious murthour in executioun; and the said Archibald with his awne handis diggit ane litle hoill at his yaird dyke, and kaist the murthdreist infant thairin, and filled up the hoill; and sua thocht thame selffis to be free of feare and of all possibilities of discoverie of thair vyle murthour. Yitt God, who by his eternall providence bringis suche hie murthouris to licht, maid some quhisperingis to arryse within the parrochine of Rathine that the said Agnes had borne ane bairne. Whereupoun M^r Williame Davidsoun, minister at Commission Fol. 19, b.

mmissions. l. 20, a.

Rathine, accompaniet with Johne Fraser of Mensie, Alexander Craufurd, portioner of Rathine, and utheris eldaris of that kirk, and with some honnest weemen, past to the said Agnes Yoill, who wes lyand upoun hir bed, upoun the sext of this instant, and demandit hir anent the veritie of that mater, and yf sho had borne ane barne. Whilk being denyit be hir with mony horrible and execrable oathis, and sho refuiseing to suffer the honnest weemen to try hir by drawing of hir pappis, in end sho wes constrayned to yeild to the tryall, and it wes fundin that sho wes laitlie befoir delyverit of a barne. Whairupoun the said minister and eldaris past to the said Archibald Pennie, hir husband, and askit of him quhat he knew in that mater. And, he haveing with the lyke obstinacie and execrationis denyit ony knawledge thairin, in end, efter long proces and be earnest dealing of the ministeris, sometymes with threatningis of justice and judgement and sometymes with promisis of mercy at the handis of God, the said Archibald come to a confessioun that thair wes a barne borne, and that he buryed the barne in his awne kaill yaird. Whilk barne he then in presence of the minister and eldaris tooke up and caryed to the kirkyaird in his awne armes,—the haill claith quhairin the barne wes wompled being full of blood."

l. 26, b.

Commission under the Signet, signed by the same persons, is given to James, Marquis of Hammiltoun, and his bailie, to exercise full justiciary powers within the lands of Sagadaill in Kintyre for the suppression of thieves and ressetters of theft, who abound there, and are the bolder because the said lord "makis not his residence in these boundis, and that he nor his baillies ar not authorized with commissioun of justiciarie." All other commissions anent the inhabitants of Sagadaill are hereby revoked. The present commission is to be in force for one year.

Commission of justiciary within Sagadale in Kintyre to the Marquis of Hamilton.

derunts. l. 3, b.

"Ane commissioun to James Baillie and servand Bouye" (*ante*, pp. 15, 16).

James Baillie.

"Aggrement with Carden anent the Torwode."

The Torwood

"Ane act and warrand for delyverie to Capitane Murray [of] ijm merkis for dressing of his ship and for tua monethis pay to xx souldioris by the ordinair nomber of the ship."

Captain Murray.

ecreta Mar. 16–Jan. 17. ol. 287, a.

Sederunt—Chancellor; Mar, Treasurer; Bishop of Glasgow; Hammiltoun; Glencarne; Bishop of Abirdene; Binning; Scone; Bugcleuch; Master of Elphinstoun; Treasurer-Depute; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Ridhouse; Medop; Sir James Skene; Bruntiland; M^r^ Petir Rollok.

Edinburgh, 28th January 1617.

Complaint by Mungo Murray, servitor to David, Earl of Scone, that Michaell Balfoure of Bandone remains unrelaxed from a horning of 9th August 1603 at the instance of James Skrymgeour of Myres for not paying to him £474 as his share of the taxation of £12,000 due by the feuars of the feu lands of Fyff, for "the quhilk sowme the said complenair is constitute cessionair and assignay be the said James Skrymgeour, who

Caption against Michael Balfour of Bandone, at the instance of Mungo Murray, servitor to

Lord Scone, for not having paid to James Scrymgeour of Myres his share of an old taxation.

wes collectour appointit for ingaddering of samekle of the said taxatioun as wes imposit upoun the said proper landis lyand within the quarteris of Falkland and Auchtirmuchtie."—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Decreta Mar. 1616–Jan. 1617.

Caption at the instance of Elspeth Hay, relict of Walter Scott, and others, against Symon Scott of Bonytoun and his sons, for not having answered to a charge of having slain the said Walter Scott, and wounded Walter Scott of Todrig.

Complaint by Elspeth Hay, relict of Waltir Scott, Scott, only daughters, Waltir Scot of Harden, father, William Scot of Harden, brother, Waltir Scott, second son of Waltir Scot of Todrig, near kinsman, and other friends of the late Walter Scott in Essinsyde, that Symone Scott of Bonytoun, Johnne and Adame Scott, his brothers, and Syme Scot, called "Willis Symme of Thirlestane," remain unrelaxed from a horning of 17th October last for not finding caution to appear before the Justice in answer to the charge of having slain the said Walter Scot and wounded the said Waltir Scot of Todrig "in the lisk and airme, and utheris pairtis." —Pursuers appearing by Alexander Douglas, macer, and defenders not appearing, the Lords give order to the Captain of the Guard as above. Fol. 287, b.

Caption against Sir James Cunninghame of Glengarnock, at the instance of Lord Kilmaurs, for non-relief of cautions made for him to various creditors.

Complaint by Williame, Master of Glencarne, Lord Kilmaweris, that Sir James Cwnynghame of Glengarnok, knight, remains unrelaxed from a horning of 19th January last for not relieving pursuer, as cautioner, at the hands of these persons:—(*a*) Sir Alexander Hammiltoun of Innerweik, Dame Christeane Hammiltoun, his spouse, James Hammiltoun, their son, and James Cunynghame of Eschinyairdis, their assignee, for performance of a contract dated 9th, 10th, and 11th December 1608, and especially anent the payment to the said assignee of 8000 merks, with annualrents, &c. owing; (*b*) Elizabeth Naper, daughter of the late Sir Archibald Naper of Edinbillie, now spouse of James, Lord Ogilvy of Airlie, anent the payment of 6000 merks of principal and 1000 merks of expenses; (*c*) James Curle, merchant burgess of Edinburgh, for payment of 5000 merks of principal, 500 merks of annualrent, due since Martinmas 1612, and £500 of expenses; (*d*) Johnne Bartane, goldsmith, burgess of Edinburgh, and Jonet Drummond, his spouse, for payment of 2000 merks of principal and £200 of expenses; (*e*) James Stewart of Ovir Kincairdin, his Majesty's servitor, for payment to him, and James, Lord Stewart of Uchiltrie, as assignee constituted by Johnne Murray, Lieutenant of the Guard, donator to the said James Stewart's escheat, who had obtained special decreet against Lord Kilmawris, of the sum of £720 as payment in full of 3000 merks of principal and £300 of expenses, contained in an obligation granted by the said Sir James Cunynhame to the said James Stewart, and for not paying to Lord Kilmawris other £300 for distress, together with the principal sum, annualrent, and expenses above specified.—Pursuer appearing by Williame Cunynghame, and defender not appearing, the Lords give order to the Captain of the Guard as above. Fol. 288, a. Fol. 288, b.

Action by Sir Gideon Murray, as

Complaint by Sir Gedeone Murray of Elibank, knight, collector of the present taxation, that the rent for three terms for the bishopric of Orknay

ecreta Mar. 16–Jan. 17.

is still due. Pursuer has burdened James, Archbishop of Glasgow, who was Bishop of Orknay for the time, with the payment of the said taxation; but the Archbishop "preasis to excuise him selff as not being subject to pay the same, upoun alledgeance that, althocht he caryed the name of bischop, yit he wes onlie a pensionair of the said bischoprik for the tyme, and had nothing bot a certane pensioun and sowme of money allowit to him furth thairof, without ony pouer of removeing, reaseing, or hichting of the tennentis of the said bischoprik, and that he wes not suche a persone as could get releif upoun the fewairis, takkismen, and parrochynnairis of the said bischoprik, and that dureing the first yeir of the said taxatioun thair wes suche troublis in Orknay as no payment wes to be had of ony dewtie thair; sua that the questioun will stand betuix him and James, Lord Uchiltrie, takkisman of the haill leveing of Orknay, quhilk of thame aucht to pay the said taxatioun, and who hes the best right to seik thair releif of the same; and sua, quhill the questioun be decydit, the Kingis Majestie appeirandlie wilbe frustrat and disapointit of his taxatioun."—Pursuer appearing personally, and the said Archbishop and Lord Stewart of Uchiltrie being also present, the Lords find that the said Archbishop should pay the second and third terms' rent, and decern him, with his own consent, to make payment of the same. The Lords assoilzie both defenders from payment of the first term's rent, because "thair wes suche troublis and disordouris in Orknay that yeir as the said Archbischop wes not onlie constrayned for the furtherance of his Majesteis service to spend his haill rent thair for that yeir, bot nather he nor the said Lord Uchiltrie could get no payment of the said taxatioun frome these who wer obleist to pay the same."

collector of the "present taxation," for the recovery of three terms due from the Bishopric of Orkney: reasons by the Archbishop of Glasgow, formerly Bishop of Orkney, why he should not be held responsible; and the Council's decision in the matter.

Fol. 289, a.

Complaint by Marjorie King, sister and executrix of the late Thomas King, burgess of Abirdene, and Williame Chalmer, burgess there, her spouse, that James Hammiltoun, burgess of Burrowstounes, remains unrelaxed from a horning of 30th July 1610 for not paying 100 merks of principal and £10 of expenses, together with 13s. 4d. for a commissary's precept obtained within the commissariot of Abirdene.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, there is order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against James Hamilton in Borrowstoness for debt to Marjory King in Aberdeen.

Fol. 289, b.

Action by Johnne Layng, messenger, and George Cors, tailor, burgess of Edinburgh, against Johnne Diksoun, merchant burgess of Edinburgh, and Johnne Wood and Johnne Cors, two of the ordinary officers of Edinburgh, for their violent taking of James Twedy of Dreva off the hands of the said Johnne Layng furth of the house and tavern of Johnne Thomesoun in the Cannogait upon 22nd January instant, the said James having been lawfully apprehended, by virtue of letters of caption raised at the instance of the said George Corse, for not paying 1000 merks of principal and 100 merks of expenses. The letters were executed against the said messenger by Thomas Allane, messenger, in the said tavern.—Pursuers appearing personally, and defenders also appearing, and with them James

Action by John Laing, messenger, and George Corse, tailor in Edinburgh, against John Dickson, burgess of Edinburgh, and two of the officers of the burgh, for having apprehended James Tweedie of Dreva while he was under arrest for debt

to the said George Corse.

Neisbitt and Johne Fairlie, bailies of Edinburgh, it was alleged by the said magistrates "that, thay being chairgit be virtew of letteris of captioun reasit at the instance of the said Johnne Diksoun to tak and apprehend the said James Twedy of Dreva as being rebell and at the horne at the instance of the said Johnne Diksoun for not payment to him of the sowme of ane thousand and sex hundreth pundis money and twa hundreth merkis of expensis, thay for obedience of the command of the saidis letteris of captioun gaif directioun to the saidis Johnne Wood and Johnne Carse, thair officeris, to tak and apprehend the said James Twedy, quhair and quhensoevir thay micht apprehend him within ony pairt or boundis of the fredome and jurisdictioun of the burgh of Edinburgh; and that, the said Johnne Cars according to the command and directioun gevin unto him haveing awaitit upoun the said James Twedy and at last finding him within the libertie and fredome of the said burgh of Edinburgh upoun the said twenty twa day of Januair instant, he tooke the said James, careyed him to the said Johnne Thomesonis taverne, and keipit him undir his power quhill he brocht him to the Tolbuith of Edinburgh; and that the said Johnne Carse tooke and apprehendit the said James Twedy afore ony chairges wer execute aganis the said Johnne Layng at the instance of the said George Corse for apprehending of the said James Twedy."—This "exceptioun" being found relevant, the Lords assign the 30th January instant for hearing of proof. Decreta Mar. 1616-Jan. 1617. Fol. 290, a.

JACOBUS PRYMROIS.[1]

Edinburgh, 28th January 1617.

Commission to Lindsay of Covinton and others for the trial of three thieves.

Commission under the Signet, signed by the Chancellor, Binning, George Hay, Sir G. Murray, and Sir Robert Melvill, is given to Lindsay of Covintoun, Walter Carmichael of Park, and M[r] James Mureheade of Shawfute, bailie of Lauder, or any two of them, to try Mungo Huntair in Wandell, Williame Purves there, and Johnne Blaklaw in Craufurd Lindsay, three notorious thieves, recently apprehended by the bailies of the lordship of Douglas and Craufurde (*ante*, p. 1). Commissions Fol. 21, a.

Edinburgh, 30th January 1617.

Sederunt—Chancellor; Mar, Treasurer; Glasgow; Abirdeene; Glencarne; Tullibardine; Binning; Bugcleugh; Carnegy; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsyithe; Bruntyland; Ridhous; Medop; Sir James Skeene; M[r] Peter Rollock. Acta Mar. 1615–Aug. 1617. Fol. 74, b.

Warrant for the delivery to the Earl of Argyle at Stirling of Malcolm M[c]Duffie and five other prisoners, now in the Tolbooth of Edinburgh, whom the Earl had entered there as participa-

"Forsamekle as, Archibald, Erll of Ergyll, his Majesteis Lieutennant over the Yllis and Heylandis of this kingdome, haveing presentit and [enterit in] the Tolbuith of Edinburgh, Malcolme M[c]Duffie, Johne M[c]D[uffie, his] bruther, Johne M[c]Kay, Allaster M[c]Eane, Donald M[c]Vicar, and . . . [M[c]Vi]cair, as personis guyltie of the treasounable assisting and pa[irt taking] with the traytour Sir James M[c]Donald in his laite rebellioun, t[he said] Erll hes now desirit that the personis foirsaidis may be delyverit to him, to the effect he may tak ordour with thame according to [the

[1] Primrose's signature attests the ending at this point of the volume of *Decreta*.

Acta Mar. 615–Aug. 617. Fol. 75, a.

tennour] of his commissioun: thairfore the Lordis of Secreit Counsaill [ordanis] and commandis the Provest and Baillies of Edinburgh to delyver the saidis sex prisonnairis to Andro Quhyte, jaylour and keepair of thair awne Tolbuithe, who hes undertane in presence of the saidis Lordis to mak thair convoy and transporte in suirtie to the burgh of Striviling, and that he sall thair delyver thame to the said Erll of Ergyll; and, incaise of his refuisall to tak thame af his handis, or yf the said Erll be not in the burgh of Striviling for the tyme, that he sall tak instrumentis of his offer of delyverie of the saidis prisonnaris at the said Erllis ludgeing in Striviling, and that he sall leave thame in the said ludgeing: Anent the delyverie of quhilkis personis to the said Andro Quhyte to the effect he may carye thame to Striviling as said is, the extract of thir presentis salbe unto the saidis Provest and Baillies ane sufficient warrand."

tors in the late rebellion of Sir James Macdonald, but for whose surrender back to himself he has now applied.

Edinburgh, 30th January 1617.

[Sederunt as recorded above.]

Decreta Jan.–Nov. 1617. Fol. 1, a.

Suspension of process against John Graham, charged by Colin Campbell of Blairnarne with having abducted his daughter.

Complaint by Johnne Grahame, brother of Dowgall Grahame, apparent of Rednick, that he is put to the horn wrongously at the instance of Coline Campbell of Blairnarne for not appearing before the Council in answer to the charge of having abducted Margaret Campbell, daughter of the said Coline. He pleads that he was not lawfully charged to appear, else he

Fol. 1, b.

could easily have purged himself, having been at the time alleged but a young boy, not past the age of years, and unable to carry any armour or commit any such violence; also that he had found caution in 500 merks for his appearance to-day, and £20 for his escheat.—Pursuer appearing personally, and defender not appearing, the Lords suspend the process.

Conclusion of the case of John Laing against John Dickson and others.

Continuation of complaint by Johnne Layng against John Dickson and others (*ante*, p. 21):—After pursuer had arrested the foresaid James Twedy in Johne Thomesoun's tavern, Johnne Dicksoun, George Wood,

Fol. 2, a.

and Johnne Cars came by night and perforce took pursuer's said prisoner off his hands.—Pursuers appearing personally, and defenders also appearing, and with them James Nesbitt, bailie of Edinburgh, the Lords find the charge proven, and order the said defenders to make the said rebel

Fol. 3, a.

forthcoming to the said Gawin Cars by entering him within the Tolbooth.

More in the case of Sir Donald Mackay of Strathnaver and his wife: interim decision, and the case further adjourned.

Complaint by Sir Donald M^{c}Ky of Straithnaver, as follows:—He is informed that two letters of horning (*ante*, p. 2) are directed against him, and that some of his wife's friends without her consent intend to put him to the horn by virtue of these letters. As soon as he received the charge to exhibit his spouse and to appear before the Council, he made preparations for his journey, and "with the first commoditie of wind and wedder he with his said spous tooke schipping of purpois to haif keipit the dyet appointit"; but the "windis become so contrarious, and the weddir so unseasounable, as thay wer wounderfullie tossed upoun the sea, not without the grite hasard and perrell of thair lyveis. And the wind continewit so contrarious out of the south as it past all possibilitie for the said complenair to keepe the said dyet, he being in the verie

meantyme of that dyet lyand foiranent St. Androis, looking hourlie to haif bene cassin away; bot it pleasit God that the windis became some calmer, sua that without grite difficultie both of schip and passingeris thay recoverit the harborie, and are now come to the said burgh of Edinburgh, quhair thay presentlie remane, keiping company at bed and boord as becometh mareyed folkis." If he had been at the diet he would have exhibited his wife, who would have disproved the calumnious and malicious stories given out against him; and he had found caution in £1000 to appear this day.—Pursuer appearing, and exhibiting Barbara M^cKanyie, his spouse, and the King's Advocate and M^r Alexander M^cKanyie being also present, the Lords order the said Barbara to be "sequestrat with" Alexander, Earl of Dunferneling, Lord High Chancellor, till Tuesday next, that further order may be taken; and they commit pursuer to the Tolbooth. The processes of horning are suspended. Decreta Jan.–Nov. 1617. Fol. 3, b.

William Hamilton against Adam and James Ross for assault.

Complaint by the King's Advocate, and Williame Hammiltoun, portioner of Lochurd, as follows:—On instant, Adam Ros in Meirburne, James Ros, his brother, and James Douglas in Lochurd, having conceived a great hatred against Hamilton for having charged them with some stolen gear, lay in wait for him, armed with swords, &c., and with hagbuts and pistollets, in a "waist" house in Lochurd, and on his approach shot two hagbuts at him, and, not having hit him, came forth, cruelly attacked him, and shot another hagbut at him, so that he had to save himself by shutting himself within his own house.—Pursuers appearing personally, and having passed from the charge of firing of hagbuts, and defenders not appearing, the Lords find the complaint proven against Adam and James Ros, and order them to enter their persons within the Tolbooth of Edinburgh within 6 days; and they assoilzie James Douglas, because pursuers have failed in proof against him. Fol. 4, a. Fol. 4, b.

The *Minute Book of Processes* gives the following memoranda collectively for the month of January 1617:— Book of Processes.

Ryott: William M^cVarchie Vic Ean Day, &c. against Duncan M^cAllaster Vic Ean Vic Neill, &c.

Decreit: Advocatt against Archbishop of Glasgow for payment of the Kingis taxatione.

Rebellion: Johne Crawfurd against James Tenent.

Rebellion: Thomas Lamb against James Baylie.

Warrand to the Thesaurer to pay to James Liddell, &c. severall soumes of money for furnishing the King's house with bread and drink.

Letteris: Advocatt against George Scott . . . for importing and ventning of tobbacco.

Rebellioun: Hary Naesmith against Lord Colvill.

Act prohibiting all persones to slay any of the Kinges bukes &c. pertaining to Faulkland Park, with certificatione.

Warrand to the Thesaurer to pay Sir Hary Wardlaw 3^m merkis.

Book of Processes.

Aggriement: Thesaurer and certan merchandis for wyne furnished to his Majestie at 180 lib. the tun, to be payed out of the readiest of the custome of the wynes.

Suspension: Gordon of Geight against the Advocatt.

Rebellion: Patrik Hamiltoun against George Auchinlek.

Ryott: Mr Georg Nisbitt against James Thomson.

Proces: Advocatt against William Robertson for imbarking of leather to be transported.

Precognitione against Boswall of Pittedie, and Boswall, brother to the Laird of Balmouto.

Warrand to cite Mr Walter Whytfoord.

Warrand to charge the nearest of kin of umquhile David Stewart for submitting the matter of the slaughter of the said David at the instance of George Pringill.

Ryott: McNicoll McGie against Johne Gordon.

Warrand to the Thesaurair to pay James Bowie 1200 lib.

Warrand to pay James Baylie for buying of banketting stuff 23,003 lib.

Warrand to pay to the Lord Linlithgow for pasturage of wedderis for his Majesteis use 360 lib.

Letteris: the nearest of kin of umquhile William Scott against Scott of Bonitoun to answer upon his rebellion.

Rebellion: Mongo Murray against Michaell Balfour.

Suspensione: Mongo Huntar, &c. against Sir Johne Carmichall, of a commissione to doe justice on them as theives.

Deforcment: Johne Layng against toun officeris of Edinburgh.

Rebellion: Mareon King against James Hamiltoun.

Rebellion: Maister of Glencarn against Cunyngham of Glengarnok.

Ryott: William Hamiltoun against Adam Rosse, &c.

Warrand to delyver Walter McDuff and others guilty of the treasonable pertaking with Sir James McDonald.

Suspension: Graham against Colin Campbell.

Suspension: McKie of Strathnaver against McKenye, his spouse.

Acta Mar. 1615–Aug. 1617. Fol. 75, a.

Edinburgh, 4th February 1617.

Sederunt—Chancellor; Mar, Treasurer; Glencarne; Lotheane; Bishop of Ross; Bishop of Abirdeene; Binning; Carnegye; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Sir Andro Hammiltoun; Bruntyland; Sir James Skeene; Mr Peter Rollock.

Charge to the Magistrates of Dundee, St. Andrews, Dysart, and Pittenweem, and to Scrymgeour of

"Forsamekle as the necessitie of reparatioun and accomplisheing of his Majesties workis at his Majesties pallace of Haliruidhous is so urgent, in respect of the neir approtcheing of the tyme appointit for his Majesties comeing heir, that choise mon be maid of craftismen frome all the pairtis of the cuntrey to furder the saidis workis, and thairfoir the Lordis of

Dudhope, Constable of Dundee, to appear before the Council, bringing with them certain named craftsmen (twenty-six in all), to be employed in the works at Holyroodhouse Palace, now urgent from the near approach of his Majesty's visit.

Secreit Counsall ordanis letteris to be direct chairgeing the provest and baillies of the burrowis of Dundie, St. Androis, Dysert, and Pittenweyme, and Johne Skryngeour of Dudop, constable of Dundie, to compeir and to bring, put, and exhibite with thame the personis particularlie underwrittin, nychtbouris and inhabitantis of the saidis townis, with thair workloomes, befoir the Lordis of Secreit Counsaill upoun the ellevint day of Februair instant:—that is to say, the saidis provest and baillies of Dundee to bring and exhibite Andro W , maister maisoun, Thomas Norie, James Hunnyman, Johne Norie, David Norie, Johne Donaldsoun, George Hunnyman, Thomas Buquhannane, and Adame Lowry, maissonis, and Johne Smythe, plumber; the saidis provest and bailleis of Dysert to bring and exhibite Thomas Hird and Hird, maissonis; the saidis provest and bailleis of St. Androis to bring and exhibite Roger Greeve, quheill wrycht, Andro Wilsoun, Thomas Wilsoun, Thomas Robertsoun, David Robertsoun, Hew Phrew, James Phrew, Alexander Miller, Thomas Pady, Johne Wilsoun, maissonis, and David Greg, painter; and the provest and bailleis of Pittinweyme to bring and exhibite with thame Johne Cowye, William Cowye, and Thomas Masoun, maissonis; and the said Johne Skrynegeour of Dudop to bring and exhibite with him the said Johne Smith, painter, yf he be in his company: to the effect the saidis craftismen may be imployed in his Majesteis workis foirsaidis at Haliruidhous, quhair thay salbe weele used with reddie and thankfull payment for thair labour: under the pane of rebellioun and putting of the provest and baillies of the burrowis foirsaidis and the said Johne Skryngeour of Dudop to the horne; with certificatioun to thame and thay failyee letteris salbe direct *simpliciter* to putt thame thairto." Acta Mar. 1615–Aug. 1617.

Proclamation for observation of the laws forbidding the eating of meat in Lent, or on the appointed ordinary "fish-days" at other times, with intimation that, in order to the due preservation of commodities for the use of his Majesty and Court while they are to be in Scotland, there will be stringent exaction of the penalties for disobedience.

"Forsamekle as, the Lordis of Secreit Counsall understanding the grite hurte and prejudice whilk this cuntrey doeth susteene by the contempt and neglect of that benefite of God quhairwith it hes pleasit his Divyne Majestie abundantlie to blisse the same with the use of all kynd of fisheis needfull for the sustentatioun and interteynment of man, and through the untymelie and extraordinair distructioun of fleshe in prohibite and forbiddin tyme, whilk hes not onlie procured grite derthe bot scairstie of fleshe frome tyme to tyme, and whereas thair hes bene divers goode and lovable acts maid and publist heirtofoir, according to the policie of otheris weele governit commounweellis, appointing severall dayes, tymes, and seasonis for eating of fishe, with ane expres prohibitioun and dischairge to slay or eate fleshe upoun these forbiddin dayes: nevertheles the bipast ovirsight and impunitie of offenderis in this caise hes encourageit and encourageis nomberis of evill disposit personis, especiallie these of the meaner sorte, to continew in thair contempte and brek of the law, and to prefer thair awne privat contentment and the delicate feeding of thair bellies to thair dew obedyence to his Majestie and to all goode ordour and policie; and, seeing his Majestie hes resolved by the assistance of God to honnour this his native and ancient kingdome with his royall Fo. 75, b.

Acta Mar. 1615-Aug. 1617.

presence this approtcheing sommer, and that verie grite nomberis of people of all rankis and qualityis will follow his Majesties royall courte and attend upoun his Majestie during his Heighnes aboade heir, it becometh thairfoir all his Majesteis goode subjectis to haif the grittair regaird of thair dewytie and obedyence to his Majestie and his lawis and to forbeare all suche thingis as may procure scairstie of these necessair commodityis withoute the whilkis his Majesties courte and tryne can not be weele and sufficientlie interteyned and furnist: and thairfoir the saidis Lordis hes resolvit and concludit that the eating of fleshe in the forbiddin tymes foirsaidis salbe unpardonable and salbe examplarlie punist, withoute respect of quhatsomevir rank, qualitye, or degree of personis; and, to the effect nane pretend ignorance heirof, ordanis letteris to be direct chairgeing officeris of armes to pas to the mercate croceis of the heade burrowis of this realme and utheris placeis neidfull, and thair be oppin proclamatioun to mak new publicatioun of the saidis actis, and to command, chairge, and inhibite all and sindrie his Majesties liegies and subjectis, of quhat estate, rank, qualitie, or degree soevir thay be, that nane of thame presoome nor tak upoun hand at ony tymes after the publicatioun heirof to eate or mak reddie for eating ony kynd of fleshe [on] Weddnisdayis, Frydayis, and Sattirdayes, nor in tyme of Lent, under the panes contenit in the formair actis and proclamationis maid and publist heiranent:—to witt, every Erll under the pane of ane hundreth [pundis], every Lord under the pane of ane hundreth merkis, every barone under the pane of fourty pundis, and every burges, commoun cooke, and . . . that sellis meate and drink under the pane of fourty pundis, [and everie] gentleman under the pane of suche sowmes of money as salbe thoght be the judgeis before whome thay salbe tryed answerable and ag[greable] to thair rent and moyen. Quhilkis panes salbe uplifted of thame and thay failyee, and thay salbe tryed upoun the brek and violatioun of . . . in this pointe, outher be thair oathe or be witnesis in the presence of the saidis Lordis of Counsell or suche commissionaris in every . . . nominat be the Counsell to that effect, and

Fol. 76, a.

to command, chairge, and inhibite all and sindrie flesheouris to burgh and land that nane of thame presoome to slay nor sell fleshe in tyme of Lent under the said pane of fourtie pundis sa oft as thay failyee and to be tryed as said is; and siklyk to command and chairge all and sindrie magistratis to burgh and land that thay and everyone of thame within thair awne boundis, office, and jurisdictioun haif a speciall cair and regaird to see the saidis actis preceislie keept and that thay notifie the names of the contravenaris to the saidis Lordis to the effect ordour may be tane with thame anent thair punishement as accordis."

[Sederunt as recorded above.]

Decreta Jan.–Nov. 1617. Fol. 4, b.

Edinburgh, 4th February 1617.

Complaint by Thomas Bartilmo, tailor, burgess of Haddingtoun, as Complaint by

PUBLIC

Thomas Bartilmo against the Magistrates of Haddington for his detention in prison notwithstanding a warrant for his liberation.

follows:—In the month of September last, pursuer unhappily slew Thomas Brysoun, tailor, burgess of the said burgh, and was for that offence committed to the tolbooth of Haddingtoun, where he has since been detained. Pursuer committed the slaughter in self defence; "lyke as the relict and the bairnis, kin, and freindis of the said umquhill Thomas, upoun assythment gevin be the said complenair to thame and als acknawledgeing his innocence in the committing of the said slauchter, hes gevin ane letter of slanes to the said complenair." A royal remission has been granted accordingly; but the magistrates will not grant him liberty.—Pursuer appearing by Robert Lawder, writer, and Harie Cokburne, provost of Haddingtoun, James Kirkwood, M^r James Cokburne, and Waltir Seytoun, bailies, appearing by Patrik Broun, treasurer of the burgh, but Johnne Brysoun and Many Moreis, givers of the said letter of slanes, not appearing, the said Patrik alleges that pursuer is detained at the instance of certain creditors, but promises that as soon as pursuer shall satisfy them he shall be freed by virtue of the warrant which they hold. The Lords order the magistrates to liberate pursuer as soon as he shall have satisfied the said arrestments for debt. Decreta Jan.–Nov. 1617. Fol. 5, a. Fol. 5, b.

Caption against Tweedie of Dreva, his son, and another, for debt to John Dickson.

Complaint by Johnne Diksoun, merchant burgess of Edinburgh, that James Twedy of Dreva, Johnne Twedy, his son, and M^r Johnne Twedy of Wilkiestoun remain unrelaxed from a horning of 7th December last for not paying £1600 of principal and 200 merks of expenses.—Pursuer appearing personally, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Fol. 6, a.

Agreement by the Lindsays of Auchinskeoch to the proposed reconciliation between them and the Lindsays of Fairgirth.

Johnne Lindsay of Auchinskeoch, James Lindsay, his son, Johnne and James Lindsay, sons of the said James, Johnne Broun of Lochhill, and Johnne Broun of Schanclaw, appearing this day, consent to the reconciliation between them and their friends, on the one part, and James Lindsay of Fairgirth, for himself, his sons, brother, and kin, on the other part, agreed upon on 7th November last (*ante*, vol. X. p. 654),—the said Johnne Lindsay of Auchinskeoch and James Lindsay, his son, undertaking that Achilles Lindsay, son of the said James, shall ratify the said agreement; and for themselves and the other parties with them, they are ordered to find caution in 3000 merks to keep the peace with James Lindsay of Fairgirth and his friends. Nevertheless, the said caution is not to be found till James Lindsay of Fairgirth and his friends find caution in a like sum.

Order to James Lindsay of Fairgirth in the same business.

James Lindsay of Fairgirthe, Johnne, Williame, and Robert Lindsay, his sons, and Hew Lindsay, his brother, having been summoned to appear this day, but not having obeyed, the Lords order the said James to find caution in the sum of 3000 merks that he and his said kin and friends shall keep the peace with the aforenamed Johnne Lindsay and his friends.

Sir Donald Mackay of Strathnaver.

"The quhilk day Sir Donald M^cKy of Strathnaver wes commandit to remane in this toun and not to go away quhill he satisfie his Majesteis Thesaurair for suche criminall actionis as he hes to lay to his charge." Sederunts. Fol. 4, a.

Decreta Jan.–Nov. 1617. Fol. 6, b.

Sederunt—Chancellor; Treasurer; Glencarne; Wintoun; Lotheane; Bishop of Ros; Binning; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop; Sir Andro Hammiltoun; Sir James Skene; M^r^ Petir Rollok. Edinburgh, 6th February 1617.

Fol. 7, a.

Caption against Wishart of Logie for debt to Gilbert Achison.

Complaint by Gilbert Achesoun, merchant burgess of Edinburgh, that Johnne Wischart of Logie remains unrelaxed from a horning of 11th January for not paying £1910 of principal and £200 of expenses.—Pursuer appearing by Johne Gillespie, messenger, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against Crichton of Ruthvens and Stratoun of Lauriston for debt to Mary Addinstoun.

Complaint by Marie Addinstoun, relict of Johnne Clavie, his Majesty's apothecary, and M^r^ Patrik Levingstoun of Saltcoatis, now her spouse, that Sir James Creichtoun of Ruthvenis, knight, principal, and Sir Alexander Stratoun of Lowrestoun, cautioner, remain unrelaxed from hornings of 28th February and 1st March last for not paying to pursuers £164, 10s. sterling of principal and £30 sterling of expenses.—Pursuers

Fol. 7, b.

appearing by Hew Peblis, and defenders not appearing, the Lords give order as above.

Commissions. Fol. 21, b.

Licence to Margaret Macdonald, sister of Sir James Macdonald, to resort at her pleasure to her friends to solicit their help in her distressed circumstances, and also to all the lieges to communicate with her freely, notwithstanding her having visited her brother in Kintyre during his rebellion.

"Quhairas, Margaret M^c^Donald, sister to the traytour Sir James M^c^Donald, being send for be hir said bruther at his last being in Kintyre to come and speak with him, sho simplie out of hir naturall affectioun to hir bruther past unto him, and remanit with him some certane dayis; for the whilkis hir freindis and ctheris who profest hir good will fearing the danger of the lawes refuisis to gif unto hir ony kynd of supplee or mantenance, sua that sho, being a young gentlewoman destitute of the conforte of hir freindis, is reduceit to grit necessitie and want: Thairfoir the Lordis of Secreit Counsall gevis and grantis licence to the said Margaret to haif resoirt and repair to hir freindis and weillwilliaris at hir pleasour, as alsua gevis and grantis licence to all his Majesties subjectis to ressett, supplee, and intercommoun with the said Margaret and to furnis hir in hir necessaris as thay sall think goode, without pane, cryme, skaith, or danger to be incurrit be thame thairthrow in thair personis and goodis, exonering and releiving thame of all that may be impute unto thame or layed to thair chairge thairthrow for evir,—providing alwayes that the said Margaret forbeare in all tyme comeing to haif anie dealing with hir said bruther, or to interteny intelligence with him be worde, write, or message; whairin yf sho failyee, this present licence to be of nane availl. Gevin at Edinburgh, the saxt day of Februair 1617. *Sic subscribitur:* AL. Cancellarius; MAR; GLENCAIRNE; J. COCKBURNE; A. DRUMMOND; KILSYTHE."

Fol. 23, a.

Commission to Munro of Tarrell and others for the apprehension of Patrick Munro, fugitive from a

Commission under the Signet, signed by the same, is given to George Monro of Tarrell, Alexander Gordoun of Auchindeane, sheriff-depute of Sutherland, Johne Monro of Lymlair, William Ros, apparent of Innercharroun, Gilbert Gray of Swordill, and George Murray of Spanziedill, or any two of them, to apprehend, and try Patrik Monro *alias* M^c^Intagart

charge of fire-raising and robbery.

in Innerlavell, who remains unrelaxed from a horning of 6th January last, at the instance of George Monro in Acharnache, for not finding caution for his appearance before the Justice to answer the charge of having gone by night to the lands of Ardcharniche, set fire to the barn and destroyed 3 chalders of bere and 40 bolls of oats, stolen a "grite fishe boat," which he afterwards sank, and 4 long herring nets, which he sold. Commissions.

Hampton Court, 7th February 1617. Royal privilege to Gilbert Dick, bookseller of Edinburgh, of a ten years' monopoly of the printing and selling of the two Catechisms ordered by the late General Assembly, and now ready.

"JAMES, &c. Forsamekle as, be ane act maid in Generall Assemblie haldin at Abirdene within oure realme of Scotland be the archibischopis, bishopis, ministeris, and commissionairis of oure said kingdome upoun the day of last bypast, it wes concludit, statute, and ordanit that tua cathechissimes sould be formit and set doun be certane of the bretherine and ministerie appointit for that effect to be taucht within the kirkis of Scotland in all tyme comeing, and that the samyn sould be imprinted sua that the samyn may be sauld and distributed amongis his Heynes leigeis, and in respect that the saidis tua cathechissimes are now formit and set doun conforme to the said act and that it is necessar that, conforme thairto, the samyn be imprinted, and that ane honnest and discreite persone quha is apt and abill for the imprinting thairof and wilbe ansuerable to us thairfore be appointit thairto: Thairfore to have gevin and granted, lyke as we be thir presentis, with advise and consent of our reverend father in God, Johnne, Archibischop of St. Androis, primat of our kingdome of Scotland, gevis and grantis, full pouer, libertie, and licence to our lovit Gilbert Dick, librare, burges of our burgh of Edinburgh, or ony uther sufficient printeris in his name and undir his tollerance, to caus imprint the saidis tua cathechissimes appointit and set doun be the said Generall Assemblie and thair commissionaris in thair names to be taucht within our said kingdome of Scotland and kirkis thairof conforme to the said act of Generall Assemblie, and, efter the imprinting thairof, with frie pouer to the said Gilbert Dik, his airis, executoris, and assignis, to sell and distribute the samyn throughout our haill realme of Scotland, to the effect that the leidgeis of our said kingdome may come to the better knawledge thairof; inhibiting and dischairgeing all and sindrie our leiges and subjectis of oure said kingdome that nane of thame tak upoun hand to imprent or caus imprent, sell or caus be sauld, by or caus be bocht, within our said kingdome of Scotland or without the samyn, ony of the saidis cathechissimes appointit to be set doun, formit, and prentit be the said act of Generall Assemblie in maner foirsaid, induring the space of ten yeiris nixt after the day and dait of thir presentis, without the speciall advise, licence, and consent of the said Gilbert Dik or his foirsaidis first had and obtenit thairto, undir the pane of escheting of the samyn to the use of the said Gilbert and his foirsaidis and paying to him and thame of the sowme of to be taiken up be thame to thair utilitie and proffeit indureing the space foirsaid fra ilkane of the contravenairis of this our previledge, inhibitioun, licence, and dischairge als oft as it salhappin thame or ony of thame to brek and contravene the samyn. Gevin at Hamptoun Courte, the sevint day of Februair, and Fol. 26, a. Fol. 26, b.

Commissions. of oure regnes the xiiij and fyftie yeiris, 1617. *Sic suprascribitur:* JAMES REX ; *et subscribitur,* —AL. *Cancellarius,* SANCTANDROIS, BINNING."

Acta Jan.–Nov. 1617. Fol. 76, a.

[No record of Sederunt.]

Edinburgh, 10th February 1617. Charge to the Magistrates of Glasgow and Linlithgow to send to Edinburgh certain named craftsmen (nine in all), to be employed in the works at Edinburgh Castle and Holyrood Palace, now more and more urgent.

" Forsamekle as the necessitie of perfyteing and accomplisheing of his Majesties workis at the Castell of Edinburgh and Palice of Haliruidhouse is so urgent, in respect of the neir approtcheing tyme of his Majesteis heircomeing, as the grittest expedition and diligence that can be usit is litle aneugh, and the saidis workis, being so necessair for the honnour and credite of the cuntrey, mon be preferrit to all uther workis of private personis, and craftismen mon be had frome all the pairtis of the cuntrey to forder and advance the saidis workis: Thairfore the Lordis of Secreit Counsall ordanis letteris to be direct chairgeing the provest and baillies of Glasgow and Linlithgow to send to his Majesties Palice of Haliruidhouse the personis particularlie underwrittin, with thair workloomes,—that is to say, the said provest and baillies of Glasgow to send in James Rankene, David Sclaiter, Johne Rankene, Johne Boyde, Johne Stewairt, James Richie, and *James* Johne Davie, maissonis, and the saidis provest and baillies of Lynlythgow to send in Nicoll and Johne Gibsonis maisonis,—and at thair comeing to Haliruidhouse that thay present thame selffis to the maister of his Majesties workis or his deputis who attendis the said worke at Haliruidhouse, whair thay salbe sett to worke, salbe weele and kyndlie usit, and sall ressave honnest and thankfull payment for thair labouris,—within foure dayes nixt efter the saidis provest[is] and baillies beis chairget thairto, under the pane of rebellioun, &c., and gif thay failyee, &c., to denunce, &c."

Edinburgh, 11th February 1617.

Sederunt—Chancellor; Mar, Treasurer ; Hammiltoun ; Glencarne ; Wyntoun; Lotheane; Binning; Bishop of Ros; Master of Elphinstoun ; Privy Seal ; Justice Clerk ; Clerk of Register ; Advocate ; Kilsyith ; Bruntyland ; Medop; Sir James Skeene; M^r^ Peter Rollock.

Charge to Alexander Law and other skippers of Kirkcaldy to appear and answer for refusing to act as pilots for the convoy of one of his Majesty's ships to London.

" Forsamekle as, Alexander Law, William Brounlie, Johne Lindsay, and James Phillane, skipparis in Kirkcaldy, being desyrit be Capitane David Murray, Capitane of his Majesties ship callit ' The Charlis,' to serve in the said ship as pilottis for hir suire convoy to Lundone, whairunto sho is now bowne for some necessarie occasionis of his Majesties affairis and service, thay withoute ressoun do altogidder refuise to imbrace ony service in his Majesties said ship, althoght honnest and thankfull payment hes bene offerit unto thame for thair service, preferring thair awne p[rivat] adois to his Majesties affairis and to the present necessitie of his Majesties service, [whilk] can admitt no delay nor protract of tyme, to the contempt of his Majesties governance, of his Hienes service, and neglect of thair dewyties: Thairfore the Lordis of Secreit Counsall

ordanis letteris to be direct chairgeing the personis [abonewritten to compeir] personalie befoir the saidis Lordis upoun the day of Februair instant, to answeir to the premisis and to underly suche ordour as salbe tane thairanent, under the pane of rebellioun, &c., with certification, &c." Acta Jan.–Nov. 1617. Fol. 76, b.

Edinburgh, 11th February 1617.

[Sederunt as recorded above.] Decreta Jan.–Nov. 1617. Fol. 7, b.

Complaint of Andrew Small against James Thomson for assault.

Complaint by Andro Small, son of Laurence Small in the Abbay Manis of Haddingtoun, that James Thomsoun there went on 14th September last to the lands of the Abbey Maynis occupied by pursuer's father, and there committed a fierce attack on pursuer with a rung or batton and wounded him in the head in five or six places.—Pursuer and defender appearing personally, the Lords find the charge proven, and order defender to pay a fine of £10 to the said Andro, and to remain in the Tolbooth till he pay the same. Fol. 8, a.

Commission to the Magistrates of Haddington for the trial of John Hog and Allan Mann, accused of theft.

Commission under the Signet, signed by the Chancellor, Mar, Binning, Oliphant, and Kilsyth, is given to the provost and bailies of Hadingtoun, or any two of them, to try Johne Hog in Prestoun and Allan Man, two vagabonds and thieves, who were arrested recently in Prestoun on the charge of having some time ago broken into the booth of Johne Richesoun, merchant burgess of Haddington, and stolen goods to the value of about £1000. Commissions. Fol. 22, a.

Commission to the Sheriffs of Edinburgh and other shires for the arrest and trial of John Dow M'Innes and a number of other Highlanders, charged with the murder of David Bowman.

Commission under the Signet, signed by the same and George Ker, is given to the sheriffs of Edinburgh, Perth, Forfar, Aberdeen, Innernes, Ergyle, and Tarbett, and the Steward of Straitherne, to apprehend, by force if necessary, and to try Johnne Dow M^{c}Innes in the town of Kellie in Glenco, Johnne M^{c}Condochie V^{c}Gillimartyne and Johnne M^{c}Eane V^{c}Gilliephatrik, servitors to Johnne Abroche of Glenco, Johnne Roy M^{c}Donald, servitor to the said Johnne Dow M^{c}Innes, Johnne Bayne M^{c}Coneill Gilliandreis in Glenco, Donald M^{c}Eane Thyill in Glenco, Duncane Reoche M^{c}Indoniche there, Gillespick M^{c}Allester Roy in Lagnahall, Johnne Gair M^{c}Allester Roy, his brother, Finla Stewart *alias* Kaird Stewart within the country of Athole, Robert M^{c}Eane V^{c}Robert there, Thomas Duff, vagabond in Strabrane, and Turnour Bayne in Straspay, who remain unrelaxed from hornings of 14th and 21st September last, at the instance of William Bowman in Glenlie, father, Alexander Bowman there, brother, and the remaining kin of the late David Bowman, for not appearing to answer to the charge of having murdered the said David. Fol. 22, b.

Edinburgh, 13th February 1617.

Sederunt—Chancellor; Mar, Treasurer; Hammiltoun; Glencarne; Lotheane; Binning; Cranstoun; Bishop of Ros; Master of Elphinstoun; Privy Seal; Justice Clerk; Treasurer-Depute; Clerk of Register; Advocate; Kilsyithe; Medop; Ridhous; Bruntyland; Sir James Skeene; M^{r} Peter Rollok. Acta Jan.–Nov. 1617. Fol. 76, b.

Proclamation that, notwithstanding infor-

"Forsamekle as, the magistratis of the Cannogait being commandit to gif in to the Lordis of Secreit Counsall ane roll of the haill ludgeingis and

Acta Mar. 1615–Aug. 1617.

stablis within thair toun to the effect the saidis Lordis might knowe and understand how mony of his Majesties tryne and followaris as necessarlie mon be ludgeit neir his Majesties persone during his aboade at Haliruidhous might be commodiouslie accommodat in ludgeingis and stablis within the said Cannogait, the saidis magistratis hes gevin in a roll of thair saidis ludgeingis and stablis proporting and bearing that all thair ludgeingis and stablis ar alreddy tane be noblemen, baronis, and gentlemen of this cuntrey, sua that thair is not ane free house in the Cannogait quhair ony of his Majesties tryne may be ludgeit; whilk being a matter verie offensive to his Majestie, and that can nowayes stand with his Majesties contentment nor the credite of the cuntrey that his Majesties propper domestiques and these who mon necessarlie attend his royall persone salbe constrayned to seeke thair ludgeingis in remote and far pairtis frome his Majesties house and palice, to the disapointing and neglecting of his Majesties service: Thairfore the Lordis of Secreit Counsall hes thoght meete to [inti]mat and declare to all these who hes tane or myndis to tak ludge[ingis] and stablis in the Cannogait that thay wilbe frustrat and disa[point] of thair intentis, and that all the saidis ludgeingis and stablis salbe tane up and markit for his Majesties awne tryne and followaris be [his] Majesties harbingeiris at thair heircomeing; and ordanis letteris [to be] direct to mak publicatioun heirof be oppin proclamatioun at the mercat croceis of Edinburgh and the Cannogait and to warne all p[ersonis] who hes tane or myndis to tak ludgeingis or stablis in the Canno[gait] that thay provide thameselffis of ludgeingis and stablis otherwayes, assureing thame that thay wilbe disapointit of thair intentis in the [Can]nogait, and that all the ludgeingis and stablis thair wilbe mar[kit and] tane up for his Majesties tryne and followaris as said is."

mation from the Magistrates of the Canongate that all the lodgings and stables there are already let to noblemen, lairds, and other persons, these lodgings and stables must be reserved for the use of the retinue which his Majesty will have with him during his coming residence in Holyrood, and that consequently all persons who have taken such lodgings and stables must vacate them, and find accommodation elsewhere.

"Forsamekle as thair hes bene mony goode actis maid be [his] Majestie and his predicessouris of worthie and famous me[morie, with] advise of thair Esteatis of Parliament, aganis strong, idle, [and maister]full beggaris, of whome this cuntrey is now full, quhairby it is com[mandit] that nane be sufferit to beg nouther to burgh nor land betuix [fourtein ?] and threescoir ten yeiris of aige, and that all strong, idle, and [maisterfull] beggaris, counterfute bairdis, and foollis that rinnis athorte the cuntrey begging and extorting almous being apprehendit salbe [put in] waird in stockis or irnis and detenit thairin so long as . . . . . .

Fol. 77, a.

. . . . . [*Sixteen lines illegible*] . . . . . whose chairge the same apperteyned so that the . . . beggaris and vagabund thevis is . . . all the pairtis of the cuntrey to the grite scandall and reproche . . . , and besides the nomber of inconvenientis . . . . commounwealthe thay procure the havie wrath and displeasour [of God upoun the] haill natioun through the wicked and ungodlie forme of leving us[it] amongis thame without mariage or baptisme of bairnis; and it is verie liklie that now

Proclamation against beggars and vagabonds.

when his Majestie comes to this cuntrey that nomberis of thir vaga- Acta Mar. 1615 –Aug. 1617.
bound thevis and lymmaris sall follow his Majesteis royall courte and importune the noblemen and otheris that will accompany and attend his Majestie with thair shameles exclamationis and cryeing, to the grite discredite and scandall of the haill kingdome, without remeid be providit: Thairfore the Lordis of Secreit Counsall ordanis letteris to be direct chairgeing officeris of armes to pas to the mercate croceis of the heade burrowis of this realme and otheris placeis needfull, and thair be oppin proclamatioun to mak new publicatioun of the saidis actis of Parliament maid aganis strong, sturdy, and idill beggaris, counterfute bairdis, and foollis, quhairthrow nane pretend ignorance of the same, and to command and chairge all and sindrie beggaris of quhatsumevir rank and qualitie that within fyfteene dayis after the public . , thay addresse thame selffis to the parrocheis quhair thay wer borne and maid [thair] last sevin yeiris residence and thair conteene thame selffis, and [that tha]y on nawayes presoome to come furth of the said parroche nor yitt to be . . . within the parroche without the mark or taikine of the paroche under . . , particularlie abonewrittin, specifiet in the saidis actis of Parliament . . . thay be fund beggand oute of the parroche to be wairdit, putt in the . . irnis, scourged, and thair eares nailled to the trone or some other tree for the [first] fault, and for the first nixt fault to be hangit to the deade; and suche as . . within the parroche without the mark or taikine of the parroche to be brunt in the cheeke with ane hett yrne: And to command, chairge, and inhibite all his Majesteis liegies that nane of thame gif almous to the saidis beggaris after the said . . dayes, bot to suche as ar beggaris of thair awne parroche, bearing the marke [and] taikine of the parroche, under the pane of fyve pundis, to be incurrit be thame [and] to be upliftit be the commissionaris of the town and parroche quhair the . . . duellis: And to command and chairge all schireffis, stewartis, . . . , and baillies within burgh, baillies of regalitie, and justiceis of peace, eueryone of thame within thair boundis, and all archiebishoppis and bishoppis within thair dioceyis, that with all convenient diligence thay conveene the minist[eris . . . . . Fol. 77, b.
. . . [*Fourteen lines illegible*] . . .
and to command and chairge the sessioun of [every] parroche kirk to haif ane pair of fast stokkis with strong lokkis and [bandis], and all noblemen, baronis, and gentlemen to haif at thair house ane pair of fast lokkit stokkis for punisheing of the saidis strong and idill beggaris contravenaris of this present act: As alsua to command and chairge the prouest and bailleis within burgh and the sessioun of everye parroche kirk to conduce for oulklie wadgeis one or tua strong able men according to the quantitie of the carriage, parroche or burgh, who shall walk athorte the toun or parroche and apprehend and committ to waird and the stokkis the saidis beggaris contravenaris of this act, as thay will ansuer upoun thair obedience."

Decreta Jan.–Nov. 1617. Fol. 8, b.

[Sederunt as recorded above.]

Edinburgh, 13th February 1617.

Caption against Harry Drummond for debt to Peter Sanderson.

Complaint by Petir Sandirsoun, tailor, burgess of Edinburgh, that James Drummond of Leitchill, Harie Drummond, his son, and Cristeane Balfoure, spouse of the said Harie, remain unrelaxed from a horning of 18th December 1613 for not paying £400 of principal and £100 of expenses.—Pursuer appearing personally, and the said Harie not appearing, there is order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against Lord Gray for debt to the children of the late Francis Scot.

Complaint by Thomas, Andro, and Bathia Scot, children of the late Frances Scot, executors dative, and Andro Banerman in Dunkeld, their tutor, that Andro, Lord Gray, remains unrelaxed from hornings of 25th and 26th December last for not paying 800 merks of principal and £100 of expenses.—Pursuers appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order as above.

Fol. 9, a.

Complaint by John Robertson in Perth, and his wife, against Patrick Ross, messenger, and Andrew Johnston, merchant, burgess of Perth, for assault and wounding.

Complaint by Johnne Robertson, cordiner, burgess of Perth, and Jonet Robertsoun, his spouse, as follows:—On 12th August last, Patrik Ros, messenger, and Andro Johnnstoun, merchant burgesses of Perth, with armed accomplices, went about 8 o'clock in the evening to pursuers' "working buith," there committed an assault upon them, and most severely "birsit and brusit the said complinaris said spous, scho being grite with chyld." About 10 o'clock on the same night, defenders went to the dwelling-house of pursuers, believing that they would find them therein, entered violently, and searched every corner for them. As they came away they perceived the pursuer fleeing for safety up the stair of James Balnaveis, burgess of the said burgh. They thereupon pursued him and attacked him so that he was mutilated in three fingers of his left hand. Pursuer was taken to the house of Patrik Robertsoun, surgeon, to be cured of his wounds. After he had returned home under the care of the said surgeon and his servants, he was assaulted in his house by the said defenders, who had again broken up the doors and entered with drawn swords. Pursuer would have been slain but for the assistance of the Goodman of Buckie and his servants.—The said Johnne Robertsoun and the said Patrik Ros appearing personally, and the said Andro Johnnstoun, defender, and Harie Moncreif, baker in Perth, Robert Moncreif, maltman there, Johnne Dewair there, Patrik Blair there, Andro Cuthbert there, and Johnne Hird there, witnesses, not appearing, the Lords order the said persons who have not obeyed the summons to be denounced rebels.

Fol. 9, b.

Fol. 10, a.

Counter complaint of Patrick Ross and his wife against the said John Robertson and others.

Complaint by Patrik Ros, messenger in Perth, and Helene Johnnstoun, his spouse, as follows:—On 22nd August last, Johnne Robertsoun, cordiner, burgess of Perth, accompanied by William Robertsoun, elder, Robert and William Robertson, his sons, skinners, burgesses of Perth, and others, all armed, the said Johnne "haveing ane lang schaveing irne maid of ane tua handit swerd in his hand," went by way of hamesuckin to

pursuers' house. The said Patrik was not at home at the time, and his wife was at prayers in the kirk. They searched the house in vain for pursuers, but, as they were going away, they met the said Helene at her own stair head. "Thay pat violent handis in hir, and be the hair of hir head harlit hir bakward doun hir awne stair untill scho fell to the ground in ane filthie myre, and with staulffis, battonis or rungis gaif hir mony bauch, bla, and bludy strykis in sindrie pairtis of hir body to the effusioun of hir blood in grite quantitie, quhairof scho lay sax oulkis bedfast, daylie bleiding at mouth and neis, undir the cure of chirurgianis." Pursuer thereafter went to the said persons and "verie modestlie" asked the reason of their violent entry into his house and of their attack on his wife, but he in turn was assaulted and wounded in the head with the "schaveing irne." He was oft called "fals knove" and told "he sould nevir get ane amendis of the wrang foirsaid."—The said Patrik appearing for pursuers, and the said Johnne Robertsoun also appearing, but the other defenders, and Johnne Fyff, Patrik Blair, Johne Dewair, Johnne Allane, smith, and Andro Cuthbert, burgesses of Perth, witnesses, not appearing, the Lords give order as above. Decreta Jan.-Nov. 1617. Fol. 10, b.

Suspension of horning against Munro of Assynt.

Complaint by Robert Monro of Assint, that he has been put to the horn wrongously for not appearing before the Council concerning his alleged continued lying at the horn. He pleads that he was not lawfully summoned, yet had found caution in 500 merks to appear this day,—his escheat having been given to Johnne M^c^Kanyie of Oird.—Pursuer appearing personally, and neither the Lord Treasurer nor the King's Advocate appearing, the Lords suspend the process. Fol. 11, a.

Edinburgh, 17th February 1617.

Sederunt—Chancellor; Mar, Treasurer; Binning; Clerk of Register; Advocate. Acta Mar. 1615-Aug. 1617. Fol. 77, b.

Proclamation of a Parliament to meet at Edinburgh on the 27th of May next, when his Majesty will be present.

"Forsamekle as the Kingis Majestie hes thir mony yeiris bigane had a [grite] and naturall longing to see this his ancient kingdome and native soile, and hes resolvit, God willing, to mak a jorney thither this approtcheing sommer, quhair . . his cair salbe to dischairge his royall office, to reforme suche abuse and disordouris (yf his Majestie shall find ony outher in Kirk or Policie) as can[not] be so weele performed in his absence, and that by his Majesties presence als mony thingis as may be tending to the glorie of God and commounweele, if this . . . , may haif thair setling the tyme of his Majesties being heir, and in the [pro]sequutioun of this his Majesties royall and princelie resolutionis his Hieness [will] use the advise, opinioun, and counsall of the Esteatis and body of this kingdome, and for this effect hes appointit his soverane and heich courte of Parliament to be haldin at the burgh of Edinburgh, and to begin, God willing, [upoun] the xxvij day of Maij nixttocome, with continuation of dayis: And thairfoir the Lordis of Secreit Counsall

Acta Mar. 1615 –Aug. 1617.

ordanis letteris to be direct chairgeing offi[ceris of] armes to pas and mak publicatioun heirof be oppin proclamatioun at the mercate croceis of the heade burrowis of this realme and otheris placeis neidfull, and to warne all and sindrie archiebischoppis, bischoppis, and pre[latis, and] all noblemen, commissionaris for the small barronis and burrowis, that . . . aris and memberis of the courte of Parliament, and all utheris haveing [right], place, or entres thairin, that thay and every one of thame addresse thame selffis in thair most decent and comelie ordour to the said Parliament, [to re]mane and attend during the haill tyme of the sitting thairof, and that thay nor nane of thame absent thame selffis upoun quhatsomevir [cullour or] pretext: with intimatioun as effeiris."

Fol. 78, a.

Sederunt—Chancellor; Mar, Treasurer; Glengairne; Binning; Carnegye; Bishop of Ros; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Ridhous; Kilsyithe; Bruntyland; Medop; Sir James Skeene; M^r^ Peter Rollok. Edinburgh, 18th February 1617.

Warrant to the keeper of the wardrobe for the delivery to Nicolas Elsmere of certain pieces of green velvet required for the repairing of a portion of his Majesty's tapestry.

"Forsamekle as it is undirstand to the Lordis of Secreit Counsaill that his Majesties tapestrie, especiallie that of greene velvett embroderit with holaye leavis in gold and with the airmes of Longaveill, is so worne, spoyled, and [consumed] as, gif the same be not helpit, mendit, and repairit in tyme, it will altogether become to no use and unfitt for his Majesteis service and use; and whereas the same cannot be helpit bot be some worne peeceis thairof quhilkis can serve to litle or no uther use bot to help and mend the defectis in the remanent peeceis of the same: Thairfore the Lordis of Secreit Counsall ordanis the maister and keepair of his Majesteis wardrope to delyver furthe of the wairdrope to Nicolas Elsmeere, who hes the chairge of mending of the said tapestrie, the severall peecies following of the said greene velvott tapistrie,—to witt, ane litle peece thairof contening foure breidis, and tua litle peeceis contening ather of thame tua breidis,—to the effect thay may be cuttit and imployit to the mending of the remanent peeceis of the said tapestrie; whairanent thir presentis salbe unto the said maister of the wardrope ane sufficient warrand."

Lord Oliphant committed to ward for an assault on Sir John Wood of Balbegno, in the High Street of Edinburgh, and both parties bound over to find caution for keeping the peace.

There having been "some appeirance of trouble and contraversie lyke to fall oute betuix Laurence, Lord Oliphant, on the one pairt, and Sir Johne Wode of Balbegnocht, on the other pairt," both parties had been charged to appear this day and answer. "Quhilkis being callit, and the said Lord Oliphant compeirand personallie and the said Sir Johne Wod of Balbegnocht being lykwise personallie present," and "the ressonis and allegationis of the saidis pairties being hard and considerit," the Lords find "that the said Laurence, Lord Oliphant, hes committit a verie grite offence and insolence aganis the said Sir Johne Wode of Balbegnocht upoun the Hie

Streit of this burgh of Edinburgh by straking the said Sir Johne upoun the breast and preassing to haif shot him in ane laich boothe, and that thairby the said Lord Oliphant has brokin his Majesteis peace, quhairupoun forder inconvenientis wer liklie to haif fallin oute betuix thame, wer not the said Sir Johne, for the reverence he boore to his Majestie and his auctoritie, he patientlie comportit with the insolence foirsaid." Accordingly, the Lords ordain Lord Oliphant to be committed to ward within the Castle of Edinburgh, there to remain at his own expense till he be relieved. "And forder the saidis Lordis ordanis the said Lord Oliphant and the said Sir Johne Wode to find cautioun and souirtie *hincinde* for keiping of his Majesteis peace, the said Lord under the pane of fyve thousand merkis, and the said Sir Johne under the pane of three thowsand merkis." Acta Mar. 1615 –Aug. 1617. Fol. 78, b.

[Sederunt as recorded above.] Decreta Jan.–Nov. 1617. Fol. 11, b.

Edinburgh, 18th February 1617. To denounce the provost and a bailie of Annan, for not appearing to a charge of having released George Wilkin, prisoner in their tolbooth at the suit of James Douglas.

Complaint by James Douglas, brother of Archibald Douglas of Toftis, as follows :—On 13th April last, George Wilkeme, burgess of Annand, was put to the horn for not finding caution for the indemnity of pursuer. On 20th September, Johnne Mundill, messenger, by virtue of letters of caption, charged Robert Johnnstoun, provost, and Johnne Rea, bailie of Annand, to apprehend the said rebel. They obeyed, and placed him in the tolbooth on September last. The rebel should have been detained there till he had obtained relaxation from the process, but the said provost and bailie put him to liberty.—Pursuer appearing personally, and the said magistrates neither appearing nor exhibiting the said rebel, the Lords give order that defenders be denounced rebels. Fol. 12, a.

Caption against John Jardine of Balgray and others, at the suit of Gavin Henderson.

Complaint by Gawin Hendirsoun in Balgray that Johnne Jerdane of Balgray, Alexander Jerdane, brother of Johnne Jerdane of Apilgirth, Johnne and James Maxwell, sons of the late Robert Maxwell in Castelmilk, remain unrelaxed from a horning of 4th February instant, for not appearing before the Council to answer to the charge of having assaulted and wounded pursuer.—Pursuer appearing personally, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Fol. 12, b.

18th February 1617. Depositions of Thomas Tweedie, John MacLean, and John MacEwan, servants to MacLean of Duart, as to moneys brought to Edinburgh for his use.

"The quhilk day Thomas Twedy, Johnne M^cClayne, and Johnne M^cEwne, all servandis to Hector M^cClayne of Dowart, being sworne and examinat upoun thair grite oathe, and demandit quhat soumes of money wer broght be thame or of thair knowledge to this toun to Hector M^cClayne of Dowart, the said Thomas grantit and confest that he broght sax hundreth merkis of money, quhairof tua hundreth merkis to James Douglas, tua hundreth merkis to the maister porter of the Castell of Edinburgh, ane hundreth merkis to M^cClayne him selff, and ane hundreth Sederunts. Fol. 4, b.

Sederunts. merkis to Alexander Cunynghame. And the said Johnne M^cClayne deponit that he broght no money him selff, bot he hard Johnne M^cEwne say that the said Thomas Twedy broght aucht hundreth merkis of money to this toun. And the said Johnne M^cEwne deponit that the said Thomas broght sax hundreth merkis to be distribute as the said Thomas hes deponit, and that he had ane hundreth pundis allowit to him for his awne chargeis."

Consequent order to Mac-Lean of Duart now a prisoner in Edinburgh Castle.

"It is thoght meete, seing M^cClayne lyis prisonner in the Castell of Edinburgh, spending unnecessarlie that quhairwith he sould pay his Majesteis dewyteis and his awne, that he sall gif ane commissioun of factorie and baillerie to Sir Rory M^cCleude and the Laird of Coill of his haill landis, and thay to be assistit with commissionis and letteris frome the Counsell."

Acta Mar. 1615–Aug. 1617. Fol. 78, b.

Edinburgh, 20th February 1617.

Sederunt—Chancellor; Treasurer; Glencarne; Tullibardine; Bishop of Ros; Binning; Carnegye; Master of Elphinstoun; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Ridhous; Bruntyland; Medop; Sir James Skeene; M^r Peter Rollock.

Reconciliation between Lord Oliphant and Wood of Balbegno, and end of the proceedings against them.

"The quhilk day in presence of the Lordis of Secreit Counsall compeirit personallie Laurence, Lord Oliphant, on the one pairt, and Sir Johne Wode of Balbegnocht, on the other pairt, and declairit that, althocht some litle trouble wes lyke to haif fallin oute betuix thame upoun the xvij of this instant on the Hie Streit of this burgh, for the quhilk the said Lord Oliphant wes wairdit within the Castell of Edinburgh, that nochtwithstanding thay wer now content to burye in perpetuall oblivioun all greiff, displeasour, and unkyndnes standing betuix thame for ony thing that intervenit or fell oute betuix thame at ony tyme bigane preceiding the dait heirof, and presentlie to enter in hairtie love and freindship the ane with the other, and nevir to quarrell one another for ony preceiding occasioun whatsomevir. Lyke as for confirmatioun of this thair reconsiliatioun and aggreement thay then presentlie in the saidis Lordis presence choppit handis one with another with all showis of love and kyndnes. In respect of the quhilk reconsiliatioun and aggreement the saidis Lordis, with consent of the saidis pairtyis, dishairges the cautioun fund be the said Lord Oliphant actit in the bookis of Secreit Counsall for the indempnitie of the said Sir Johne Wode under the pane of fyve thousand merkis, and freethis and releivis the said Johne Wode of all finding of that lausouirtie and cautioun quhilk he wes commandit and ordanit to find to the said Lord Oliphant under the pane of three thowsand merkis, and declairis him free thairof in tyme comeing."

Charge to two masons of Culross to give

"Forsamekle as the necessitie of the accomplisheing of his Majesteis [workis] at Haliruidhous and Dumfermelyne is so urgent, in respect of

their services at his Majesty's works either at Holyrood or at Dunfermline.

the neir approtc[heing] tyme of his Majesteis heircomeing, as hardlie can the same admitt ony delay, [and] thay mon be preferrit to all private menis workis in the cuntrey and ch[ois] be maid of craftismen whairevir thay may be had, thairfoir the Lordis of Secreit Counsall ordanis letteris to be direct chairgeing Johne and Thomas . . . , maissonis, burgesis and indwellaris in Culrois, to addresse thame sel[ffis, with] thair workeloomes, to his Majesties worke at Haliruidhous within xlviij [houris] nixt efter the said chairge, or utherwayes, as thay sall think meetest [and] best shall pleas thame, to addresse thame selffis with thair worke[loomis] to his Majesteis worke at Dumfermelyne within xxiiij houris nixt efter [this] chairge, and that thay enter to ony of the saidis workis that sall be [chosin be] thame, quhair thay salbe kyndlie and weele usit, and sall ressave h[onnest] and thankfull payment for thair service, under the pane of rebellioun and [putting] of thame to the horne, with certificatioun to thame and thay failyee letteris [salbe di]rect *simpliciter* to putt thame to the horne, and to esheate, &c." Acta Mar. 1615 –Aug. 1617.

Order for the due repair, against his Majesty's arrival, of the Water-Gate Port of the Canongate and the old and decayed Chapel adjacent, the repairs to be done by the owners and heritors of the same, or, they failing, by the magistrates of the Canongate.

"Forsamekle as the porte at the fute of the Cannogait callit the W[atter Yett] and the auld decayit chappell nixt adjacent thairunto ar altogidder d[ecayit], the said chappell wanting ane rooffe and the porte at the verie poin[t of] . . and dounfalling, sua that thay ar unworthie to be seene so nar his Majesteis [palice] and at his Majesteis first entree to the same; and whairas ordour w[ilbe tane] throughoute all the burrowis of this kingdome whilkis his Majestie intendis to visite during his aboade heir for repairing of the portis, calsayis, and otheris commoun workis of the same in the most comelie forme and ordour that may be for the credite and reputatioun of the saidis burrowis and for his Majesteis better satisfactioun, [and] thair is no [worke] more necessar to be repairit then the said Watter Yett and the auld decayit chappell adjacent thairunto, in regaird the same standis so neir his Majesteis palice as said is, at the verie entree to the same, and the same must ather be done be the awnaris and heretoris of the same and these that pretendis right and title thairunto, and incaise of thair refuisall the Lordis of Secreit Counsall will burdyne, command, and ordane the magistratis of the Cannogait to repair the said port and the auld decayit chappell adjacent thairunto, and will ordane thame to reteene the possessioun of the said chappell and to use the same as thay sall think expedient ay and quhill the personis haveand righ[t] thairunto refound and pay to the saidis magistratis the chairges and expensis that thay sall bestow and deburse upoun the same: Thairfoir the Lordis of Secreit Counsall ordanis letteris to be direct chairgeing Lord Haliruidhous, Bellenden of Brochtoun, David Creightoun of Lugtoun, Creightoun of Brunstoun, and the baillies of the Cannogait, personallie or at thair duelling placeis, and the tutoris and curatoris of the saidis Lord Haliruidhous and Bellenden of Broghtoun, yf thay ony haif, and all utheris haveing or pretending to haif entresse to the said auld chappell, be oppin proclamatioun at the mercate Fol. 79, a.

Acta Mar. 1615–Aug. 1617.

croceis of Edinburgh and the Cannogait, to compeir personallie befoir the saidis Lordis upoun the xi day of Marche nixttocome,—that is to say, the said Lord Haliruidhous and Barone of Broghtoun and the saidis David Creightoun of Lugtoun and Creightoun of Brunstoun, and otheris pretending right to the said auld chappell,—to heir and see thame decernit to repair the same in some comelie forme and ordour with all convenient diligence, and to haif the same perfyte agane the tyme of his Majesties heircomeing, with certificatioun to thame and thay failyee that the saidis Lordis will gif command, warrand, and directioun to the saidis magistratis of the Cannogait to repair the same and to reteene and keepe the same in thair possessioun and to the commoun use of the toun of the Cannogait ay and quhill the awnaris and otheris haveand right to the said chappell refound and pay to thame the chairges and expensis that thay sall bestow upoun the same."

Five of the Council appointed assessors to the Justice for the approaching trial of Gordon of Gicht for his violence against the Hays of Brunthill and execution of Frances Hay.

"Forsamekle as the tuentie sax day of Februair instant is appointit to George Gordoun of Geycht for his compeirance befoir our Soverane Lordis Justice and his deputis in the Tolbuith of Edinburgh to underly the lawes for the persute and invasioun of the brether of Brunthill with unlaughfull and forbiddin waponis, and for the violent and unlauchfull taking, keeping, and detening of umquhile Frances Hay and executioun of him to the deathe in maner specifiet and contenit in the criminall letteris used thairanent (*ante*, vol. X. p. 496, etc.); and whereas it is understand to the Lordis of Secreit Counsall that thair wilbe grite contestatioun and reasoning betuix the pairties, and that divers questionis, objectionis, ansueris, and replyis wilbe maid quhilkis will require good advise and deliberatioun: Thairfoir the saidis Lordis hes appointit and nominat, and be the tennour heirof nominatis and appointis, the personis following,—thay ar to say, Sir Richard Cokburne of Clerkintoun, knicht, Lord Previe Seale, Sir Williame Levingstoun of Kilsyith, Sir Andro Hammiltoun of Ridhous, Sir Alexander Drummond of Medop, and Sir James Skeene of Currihill,—to be assessouris to our Soverane Lordis Justice and to assist him with thair advise and opinioun in suche thingis as salbe proponned in that judgement. And, yf ony of the saidis assessouris salbe declynit or absent upoun necessair occasionis, the saidis Lordis ordanis the remnant of the saidis assessouris who salbe present and undeclynit to assist the Justice as assessouris in the mater foirsaid."

Charge to the Marquis of Huntly, the Earl of Errol, and others, in the foresaid business.

"Forsamekle as thair is ane day of law appointit to be keipit and haldin in the Tolbuithe of Edinburgh upoun Weddnisday the tuentie sax day of Februair instant betuix the moder, brether, kin, and freindis of umquhile Frances Hay and the brether of Brunthill, on the one pairt, and George Gordoun of Geicht, on the other pairt, at whilk day of law divers noblemen, baronis, and gentlemen, freindis to ather p[airty], intendis to be present, betuix whome thair being alreddy some hairtburning,

private grudge, and miscontentment upoun occasioun of the slaughter of the said umquhile Frances and hurteing of the brether of Brunthill, it is lyke aneugh that some trouble . . . . . : Thairfoir the Lordis of Secreit Counsall ordanis letteris to be direct chairgeing officeris of airmes to pas to the mercate croce of Edinburgh, and thair be oppin proclamatioun to command and chairge George, Marques of Huntlie, as chief to the said Laird of Geycht, and Frances, Erll of Erroll, as chief to the said umquhile Frances Hay and to the brether of Brunthill, as alsua the pairtyis thame selffis and the haill noblemen, baronis, and gentlemen of thair name, and all thair servandis, followaris, and propper dependaris, who ar alreddie come to this burgh or sall come to the same to attend and awaitt upoun the said day and for assisting and baking of ony of the pairtyis, that thay immediatlie addresse thame selffis to thair ludgeingis within this burgh and conteene thame selffis thairin, and onnawayes come furthe thairof withoute licence of the saidis Lordis had and obtenit to that effect; and that the pairtyis thame selffis onnawayes presoome to come to the justice courte quhill the magistratis of the said burgh of Edinburgh come and mak thair convoy and addresse to the same, under the pane of rebellioun, &c., with certificatioun, &c. And siclyke to command, chairge, and inhibite all and sindrie personis that nane of thame be fund walking upoun the streetis of this burgh efter the ringing of the ten hour bell at night, under the pane to be takine, apprehendit, wairdit, and punist, as accordis." Acta Mar. 1615–Aug. 1617. Fol. 79, b.

Reasons for the special necessity of a repair of Cramond Bridge; recitation of proposed measures for that end since 1607; and appeal to all the lieges for voluntary contributions now for the purpose, any ordinary impost on passengers and traffic not being sufficient for the expense.

"Forsamekle as, the Kingis Majestie and the Esteatis of this kingdome convenit in the Parliament haldin at Edinburgh in the moneth of August the year of God j^{m} vj^{c} and sevin yeiris considdering the grite necessitie of repairing and bigging of the brig of Crawmond and the hurte, perrell, and inconvenient that divers of his Majesteis liegeis and subjectis hes sustenit at that decayed brig in thair comeing to and fra the burgh of Edinburgh—(quhilk is the ordinair place quhair his Majesteis Previe Counsall and Sessioun and Heich Courte of Justice sittis and makis thair residence for administratioun of justice),—the foord of the said brig being one of the most perrellous and dangerous foordis in all this kingdome, quhair his Majesteis subjectis ar not onlie oftymes stayed by the suddane ryseing of the watter of Almond, bot sindrie of thame hes perished in the same watter; and his Majestie and the saidis Esteatis being carefull that the said brig, quhilk standis in the most convenient pairt in the cuntrey, be biggit alsweele for the credite of [this cun]trey as for the suirtie of the liegies; and whereas the necessitie of otheris important affairis of the Parliament occurring for the tyme could not admitt occasioun, tyme, nor laiser to the Esteatis to determine upoun the course and meanes how the said brig sould be biggit: thairfoir his Majestie, with advise of the saidis Esteatis, gaif power and [com]missioun to the Lordis of his Majesteis Secreit Counsall to sett doun solide ordour

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how and by what meanes the said brig micht be biggit, [as] in the act and commissioun maid to this effect at lenth is contenit. [And], the saidis Lordis haveing advisit and conferrit upoun this mater, and [finding] that ane impoist and dewytie to be lifted and tane of the passingeris and goodis that passis the watter at the said brig will not perfyte [nor] sett up that worke, seeing the same will necessarlie require verie [grite] chairges and expensis, whilkis be the forme of collectioun at the brig will not in a grite nomber of yeiris be gottin in, the saidis L[ordis] hes thairfoir thoght it more meete and expedient for the speedy fin[ishing] and expeditioun of that worke to try the benevolence of the clergie, nobilitie, baronis, gentlemen, burrowis, and commonis of the kingdome . . . everyone of thame oute of thair awne discretioun will geve to the ad[vance]ment of the said worke; and thay haif committit and be the tennour [heirof committis the trust and chairge of this mater in tryeing of the [benevolence] of the people to maister Thomas Hendersone, one of the com[missaris] of Edinburgh, and Alexander Dowglas of Nether Crawmond, one of the [ordi]nair maisseris of the Sessioun, who ar men of approvin fame, honnestie, and expectatioun, and will conceale nothing that wilbe gevin be the people in this errand, bot will faithfullie collect and keepe the same and mak it furthcomand at the occasionis for bigging of the said brig. And the saidis Lordis ordanis and commandis thame be thir presentis to mak a booke and to insert thairintill the names of all and every persone that will contribute to the said worke, and the soumes that thay destinatis and gevis to the same; and suche personis as ar desirous to insert thair awne names and the soumes that thay gif in the said booke, that the said commissionaris allow thame to do the same; requeisting heirby all his Majesteis liegeis and goode subjectis to kyithe thair affectioun and willing dispositioun to the furtherance and advancement of this so necessair, honnorable, and proffitable a worke in suche forme of benevolence and contributioun as thay in thair discretioun shall think goode."

Fol. 80, a.

Decreta Jan.–Nov. 1617. Fol. 13, a.

[Sederunt as recorded above.]

Edinburgh, 20th February 1617.

Caption against Thomas MacIlna for debt to James Dalzell.

Complaint by James Dalzell, merchant burgess of Edinburgh, that Thomas M^cIlna Clear in Newtoun, remains unrelaxed from a horning of 9th December last for not paying 600 merks of principal and £100 of expenses.—Pursuer appearing by Petir Algeo, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against Livingston of Ballintone and his son for debt to Robert Cairncross.

Complaint by Robert Cairnecors, merchant burgess of Edinburgh, that Thomas Levingstoun of Ballintone, and Alexander Levingstoun, fiar of Ballintone, his son, remain unrelaxed from a horning of 5th September last for not paying £6 for every boll of twenty-four chalders of bere.—

Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, the Lords give order as above. Decreta Jan.–Nov. 1617. Fol. 13, b.

Complaint by John Winchester against Gilbert M'Thomas for assault.

Complaint by Johnne Winchester, son of Johnne Wynchester of Altirley, that Gilbert M^cThomas Dowye in Mwye attacked him on a Sunday in 1614, "schote divers schote of arrowis at him, schote him thairwith in the richt haffit and cheik, [and] hurte and woundit him deidlie."—Pursuer appearing personally, and defender not appearing, the Lords order the said Gilbert to be denounced rebel. Fol. 14, a.

Suspension of horning against Douglas of Lincluden.

Complaint by Williame Douglas of Lynclowden that he has been put to the horn, at the instance of the King's Advocate, for not having appeared in answer to the charge of having intercommuned with the late Johnne, sometime Lord Maxwell, and Robert Maxwell of Dynwiddie, and also with the late M^r Gilbert Broun, "ane trafficquing papist, callit the Abbot of Newabbay." He pleads that he was not lawfully charged, and that he had found caution in 500 merks to appear this day, and offers £40 for his escheat.—Pursuer appearing personally, and the Lord Advocate not appearing, the Lords stay the said process. Fol. 14, b.

Prosecution by the Lord Advocate of a number of persons in Edinburgh, the Canongate, and Leith, for usury.

Action by the King's Advocate against Katherine Gledstanes in Edinburgh, Petir Duncane, baker there, Dame Home there, Helene Cleuche there, Nicoll Yule, merchant there, Robert Loche, baker there, Thomas Diksoun, maltman there, Alexander Gulane, merchant there, James Stewart, weaver there, Johnne Blair, procurator, David Wilsoun, messenger there, Archibald Hammiltoun, locksmith there, Alexander Thomesoun, cutler in the Cannogait, Archibald Glen, weaver there, M^r Robert Stevin, schoolmaster there, Johnne Rutherfurd in Leith, William Cutler, tailor there, against whom decreets had been obtained on 13th and 18th December last for taking more than 10 per cent. on money lent by them.—Pursuer appearing personally, and the said Robert Loche, Johnne Blair, and Archibald Glen appearing, but the others not being present, the Lords order the absentee defenders to be denounced rebels. Fol. 15, a.

Edinburgh, 25th February 1617.

Sederunt—Chancellor; Treasurer; St. Androis; Glencarne; Wyntoun; Perth; Tullibardine; Scone; Binning; Bugcleugh; Cranstoun; Burley; Carnegy; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Ridhous; Bruntyland; Sir James Skeene; M^r Peter Rollok; Sir Andro Ker.[1] Acta Mar. 1615–Aug. 1617. Fol. 80, a.

In the matter of the dispute between Lord Sanquhar and the base son of the late Lord Sanquhar.

"The quhilk day Williame, Lord Creichtoun of Sanquhair, and William Creichtoun, base sone to the laite Lord Sanquhair, compeirand personalie

[1] In the *Acta* and in the *Book of Sederunts* the name of Sir Andro *Hammiltoun* has been inserted. In the former it seems to be corrected to *Ker;* in the latter there is a partial erasure, but no correction. In the *Decreta* 'Sir Andro *Ker*' is given in a clear hand.

Acta Mar. 1615–Aug. 1617.

befoir the Counsall, and being demandit yf thay wer preparit and reddie to submitt thair differenceis conforme to his Majesteis decreit [*ante*, vol. X. p. 638], the Lord Sanquhair offerit him self most willing and reddie to submitt and presentlie to nominat freindis and to mak his Majestie ovirisman. The said Williame Creightoun declairit that he wes lykewise willing to submitt, bot, being demandit yf he wes of lauchfull aige, declairit that he could not constantlie affirme that he wes of lauchfull aige; inrespect quhairof the Lordis ordanis the mater yitt to rest."

Warrant to the Treasurer Depute for the delivery of £5000 to Sir Henry Wardlaw to be expended on his Majesty's works now in progress at Edinburgh, Holyrood, Falkland, and Stirling.

"The Lordis of Secreit Counsall Commissionaris of his Majesteis Rentis ordanis and commandis Sir Gedeone Murray of Elibank, knicht, Deputie Thesaurair, to delyver to Sir Henrye Wardlaw, one of the ressavearis of his Majesteis Rentis, the soume of fyve thousand pundis usuall money of this kingdome oute of the reddiest of his Majesteis moneyis being in the said Sir Gedeonis handis outher of the taxatioun or utherwayes, to the effect the said Sir Henry may distribute the said soume upoun the furtherance of his Majesteis workis at Edinburgh, Haliruidhous, Falkland, and Striviling: Anent the delyverie of the whilk soume to the said Sir Henry the extract of thir presentis salbe unto the said Sir Gedeone a sufficient warrand."

Acceptance of the Sheriffship of Haddington by Hepburn of Smetoun.

"The quhilk day in presence of the Lordis of Secreit Counsall compeirit personalie M[r] Patrik Hepburne of Smetoun, and acceptit upoun him the office of schirefschip of the Constabularie of Hadingtoun, and gaif his grite and solemne oath that he sall faithfullie administrat, use, and exerce the said office, in all thing belonging thairunto, according to his knawledge."

Decreta Jan.–Nov. 1617. Fol. 15, b.

[Sederunt as recorded above.]

Edinburgh, 25th February 1617.

Again in the action of Gordon of Gicht against the Hays of Brunthill.

Complaint by the King's Advocate and George Gordoun of Geycht, as follows:—"Williame Hay, his sone-in-law, haveing invited and desyrit the said George to accumpany him to ane tryist appointit to have bene keipit betuix his moder and him upoun his awne land of Ardifferie for satling and composeing of some materis questionable betuix thame, the said George at his desyre past with him to the said tryist upoun the day of Januair 1616, accumpaneid onlie with tua or thrie servandis, in peciable and quiet maner with halkis in thair handis, quhairwith thay intendit to have maid some sporte, and to have tane thair recreatioun. And, comeing to Ardifferie, finding nowther fyre in the house nor no appeirance of provisioun for thair refreschement, the said George tooke purpois to go and seik ane flicht upoun the watter quhill his said sone-in-law wes takand ordour and gevand directioun to his tennentis to provyde some fyre and intertenement for thame. And so, the said George being walking on his fute with his halk on his hand up and doun the watter syde, accumpaneid with ane futeman allanerlie, seikand ane flicht, and lippyning for nothing les then that ony injurie sould have bene offerit to him,

it is of treuth that George, M^r^ Patrik, and Williame Hayis, brethir of Brunthill, haveing past all that day in drinking at ane brydill in ane oistler house of Ardifferie, and being informed that the said George wes at his pastyme upoun the watter in quiet maner as said is, thay resolved to mak use of the present occasioun and to tak thair advantage of him, althocht thay and the said George wer in the meantyme undir generall termes of freindschip, without ony profest evill will amongis thame, so far as the said George undirstood, and thay haveing at no tyme of before gevin up kyndnes with him. And with this resolutioun thay come all oute of the oistler house, quhair thay had spent all that day in drinking, and first the said George Hay advancet towardis the said George, and, cullouredlie pretending that he profest him good will, he tauld him that his brether wer incensed aganis him, and that thay wer resolved to tak the present occasioun of thair advantage. Quhilk being a mater seameing verie strange unto the said George, that the saidis personis wald hunt for his lyff without ony knawne querrell or offence offerit on his pairt, he simplie demandit of him the caus and reasoun of that malitious and causles resolutioun, and desyrit him to move his brether to contene thame selfis in quietnes and undir his Heynes peace, seeing he had not to do with thame and had no purpois to hairme thame by word or deid. Bot it appeiris that his drift and purpois wes onlie to have moved the said George in a schamefull maner to have fled and rwn away, that then in his fleing away thay all micht have persewit him of his lyff, and to have done him bothe skaith and schame; quhilk is verie probable and liklie, insofer as, he and his said brether persaveing that the said George wes not resolved with schame and discredite to rwn away, they then all concurring togidder set upoun the said George and schamefullie, cruelly, and unmercifullie invaidit and persewit him of his lyff with drawne swerdis, strak a nomber of straikis at him, grippit him be the body, preast to have drowned him in the wattir, and had not faillit in thair barbarous raige and furie to have slane him, wer not be the providence of God and his awne bettir defence he red him selff of thame. And, not content thairwith, in the moneth of Junij thairefter, thay being informed that the said George wes at his landis of Birnes attending his adois thair, thay, accumpaneid with George Hay of Achairne and Johnne Fraser of Crechie, with utheris thair compliceis, all bodin in feir of weir and with hagbutis and pistolletis prohibite to be worne be the lawis of this realme, come upoun the day of the said moneth of Junij ryding upoun horsbak to the said George his landis of Birnes, and searcht and socht the said George throughout all the pairtis of his saidis landis, raid about the housis of the same, and had not faillit to have slane him upoun set purpois, provisioun, and foirthocht felloun, wer not be the providence of God he come not thair that day." (*Compare previous accounts of the transactions between the parties in vol. X., pp.* 496–502).—Pursuers appearing personally, and George and William Hay also appearing, who present a testimonial, under the hand of M^r^ David Rattray, minister at

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Crowden, stating that Mr Partik Hay is sick and confined to bed, and the other defenders, George Hay of Auchquhairny and George Fraser of Crechie not appearing, and the said William and George Hay having admitted that they had worn hagbuts and pistollets since the beginning of trouble with pursuer, but without ever having done harm to any person, the lords assoilzie the said George and William from the charge of assault in January foresaid, because they have denied the same on oath. They excuse the absence of the said Mr Patrik, and order the other defenders who have not answered the summons to be denounced rebels.

Fol. 17, a.

Caption against William Middlemass for non-relief of a caution by Adam Rutherfurd in Jedburgh and others.

Complaint by Adame Rutherfurd, bailie and burgess of Jedburgh, "callit of Litelhauch," Williame Rutherfurd, late bailie there, and Johnne Rutherfurd, "callit Davidis Johnne," there, that Johnne Rutherfurd, elder of Hunthill, and Williame Middlemest of Lillisleis Chappell remain unrelaxed from a horning of 5th August last for not relieving them at the hands of Sir Andro Ker of Oxnehame, knight, commissioner and captain of his Majesty's garrison, anent the payment of 1000 merks of caution on behalf of Stephane Rutherfurd of Chatto, who had not appeared before the Justice on a certain occasion.—Pursuers appearing by Andro Hay, writer to the signet, and the said Williame Middlemest not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Commissions. Fol. 24, a.

Licence to Sir Patrick Hepburn of Waughton to go abroad for his health.

Licence to Sir Patrik Hepburne of Waughtoun to go abroad for the recovery of his health and to consult "phisitionis bothe anent the causis and remedies of his disease," and to remain there for three years without skaith to his person, lands, or goods, provided he behave loyally to his King and country. Given at Edinburgh under the Signet, and signed by the Chancellor, Mar, and Binning (*ante*, p. 14).

Sederunts. Fol. 5, b.

Warrant for delivery of £1000 sterling to James Baillie.

"Warrand for delyverie to James Baillie jm lib. sterling for bying of necessaris in France."

Acta Mar. 1615–Aug. 1617. Fol. 80, a.

Edinburgh, 27th February 1617.

Sederunt—Chancellor; Treasurer; Bishop of St. Androis; Huntlie; Wyntoun; Perth; Tullibardine; Bishop of Caithnes; Scone; Binning; Bugcleugh; Burley; Cranstoun; Carnegye; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk;

[1] On the day intervening between this entry and the last there had been two incidents of some note in Edinburgh:—(1) *Beginning of the trial of Gordon of Gicht for the unlawful capture and execution of Francis Hay in December* 1615. For the previous notices of this famous case see vol. X. by index, and the present vol. *ante*, pp. 9, 10, 40, and 43. The Court met this day, as had been appointed, the prosecutors being Lord Advocate Oliphant, and Marjorie Keith, the mother of the deceased Francis Hay, while as prolocutors for the defence were Gordon of Cluny, the Laird of Strathdon, and Messrs Thomas Nicolson, elder, and Alexander Peebles, and Robert Fairlie, advocates. By consent of both parties, the trial was adjourned till the 28th, Gordon of Cluny

Clerk of Register; Advocate; Kilsyithe; Ridhous; Bruntyland; Medop; Sir James Skeene; Mr Peter Rollok; Sir Andro Ker. Acta Mar. 1615 –Aug. 1617.

The Marquis of Huntly re-admitted of the Privy Council and replaced in all his honours.

Which day George, Marquis of Huntlie, appeared personally, and, having presented his Majesty's letter, and having taken the oath of allegiance and of a Privy Councillor, was admitted of the Council:—"His Majesties missive letter for the warrand of the act abonewrittin.—Right trustie and right welbeloved cosen and counsellour, wee greete yow well. Whereas the Marquis of Huntlie hath now gevin full satisfactioun in all materis concerning religioun, we ar well pleased to restore him to all dignities whiche at ony time heirtofore he enjoyed or frome whiche by reasoun of his recusancie he hath hitherto bene debarred, and in speciall to a place of our Previe Counsall in that our kingdome. And thairfore it is oure pleasour that yow cause minister unto him the oathes accustomed in the like cases and admitt him to our said Previe Counsall, to enjoy all honnoris, dignities, previledges, and immunities whiche ony other our ordinair Previe Counsallour enjoyeth by reasoun of his place in our said Counsell. In whiche behalff as these presentis salbe unto yow ane sufficient warrand, we bid yow fairwell. Given at Newmarket, the 12th of December 1616." Fol. 80, b.

Charge to four masons of Preston to serve in the works at Holyroodhouse.

"Forsamekle as the necessitie of the accomplisheing his Majesteis workis at Haliruidhous is [so] urgent, in respect of the neir approtcheing tyme of his Majesteis heircomeing, as the same may admitt no delay of tyme, bot chois mon be maid of craftismen frome all the pairtis of the cuntrey to assiste and further the saidis workis: Thairfoir the Lordis of Secreit Counsell ordanis letteris to be direct chairgeing James Aytoun, Henry Pittierew, J . . Fendar, and Niniane Goumerre, maissonis in Prestoun, to addresse thame selffis with thair workloomes to his Majesteis workis at Haliruidhous, and thair to enter in service at the saidis workis as thay salbe directit [be the] maister of his Majesteis workis, within xxiij houris nixt efter the chairge, [under] the pane of rebellioun, &c., with certificatioun to thame and thay failyee [letteris] salbe direct *simpliciter* to denunce thame rebellis."

Charge to the Justices of Peace of Stirlingshire, under pain of death, to

"Forsamekle as, the justiceis of peace within the schirefdome of St[riviling] and Callender being wairnit be the Laird of Polmais, thair convenair, [to] haif convenit and mett with him and to haif resolved and advisit how and [be what] meanes his Majestie might be providit and

becoming cautioner in 5000 merks for the appearance then of Gordon of Gicht. (2) *Removal of the Town Cross.* "Upon the 26th of Februar," writes Calderwood, "the Crosse of Edinburgh was taken doun. The old long stone, about fortie foots or therby in length, was translated, by the devise of certaine mariners in Leith, from the place where it stoode past memorie of man, to a place beneath in the Highe Street, without anie harme to the stone; and the bodie of the old Crosse was demolished, and another buildit,—wherupon the long stone or obelisk was erected and sett up on the 25th of Marche."

Acta Mar. 1615–Aug. 1617.

furnist upoun his awane chair[geis] with cairtis and cariage horsis for caryeing of his Majesteis cariage through [thair] boundis, and quhat nomber of cairtis and horse every parrochyne to burgh [and] land within the said schirefdome wald convenientlie furneis to [his Majestie, the] saidis justiceis of peace, aganis the dewtie of thair office, re[fuisit to conveene] and meete in this mater, sua that through thair occasioun his Majesteis s[ervice in] that poynte is lyke to be frustrat and disapointit: Thairfoir the Lordis of Secreit Counsall ordanis letteris to be direct chairgeing Menteith of Kers, Sir Archibald Striviling of Keir, Sir Johnne Bruce of . . . , Drummond of Carnok, Sir James Erskeene, knyght, David . . . of Aikinheade, Mushell [Mushett], of that Ilk, ... , Mr Alexander Seytoun of Gargumoke, Johne Levingstoun of Dunny[pace, justiceis] of the peace within the saidis schirefdomes, to compeir personalie befoir the [saidis Lordis] upoun the ellevint day of Marche nixttocome to answer upoun [the premisis] and to underly suche ordour as salbe tane heiranent, under the pane of deathe, &c., with certificatioun, &c."

appear before the Council and answer for neglect of an instruction to them to arrange for the provision of carts and carriage-horses for his Majesty's use in the said shire.

Fol. 81, a.

"Forsamekle as, amongis the mony preparationis whilk ar now in handis and mon be tymouslie foirseene and in reddynes agane the tyme of his Majesteis comeing heir, that of his Majesteis cariage is not the least, bot doeth als mikle concerne his Majesteis honnour and service and the credite of the cuntrey; and whereas this service of the cariage can not be weele done bot be shyris whair his Majesteis progres and jornayis will ly; and the justiceis of peace [and] the convenairis of the justiceis of peace within the same shyris being writtin for to come heir this day and to haif reportit unto the Lordis of Secreit Counsall what course thay and the rest of thair brethreene had tane in this mater, conforme to the letteris direct unto thame for that effect; and thay, compeirand personallie, gaif no certane nor direct ansueir thairanent, sua that as yitt the matter of the cariage lyis over, and his Majesteis service in that point is lyklie to be frustrat and disapointit, without remeid be providit: Thairfoir the saidis Lordis ordanis and commandis Sir James Dundas of Arnestoun, convenair of the justiceis of peace within the schirefdome of Edinburgh, Sir Johne Home of North Beruik, convenair of the justiceis of peace within the Constabularie of Hadingtoun, Dundas of that Ilk, convenair of the justiceis of peace within the schirefdome of Lynlitgow, Sir James Weymes of Bogye, convenair of the justiceis of peace within the schirefdome of Fyffe and Kinross, Auchinleck of Balmanno, convenair of the justiceis of peace within the schirefdome of Perth, who wer all personallie present, and Johne Skryngeour of Dudop, convenair of the justiceis of peace within the schirefdome of Forfair, who compeirit be James Durhame of Pityarrow, his procuratour, to conveene everyone of thame the haill justiceis of peace to burgh and land within the particulair schirefdomes abonewrittin quhair thay beir chairge sa sone as convenientlie may be, and at thair meeting that thay mak a particulair distributioun of the said schirefdome in parrochynis, appointing some of thair nomber

Act requiring the Conveners of the Justices of Peace for the shires of Edinburgh, Haddington, Linlithgow, Fife and Kinross, Perth and Forfar, to convene their colleagues in those shires for the purpose of definite arrangements, by distribution of the shires into parishes, appointment of responsible constables, and the like, for the provision of a due supply of carts and horses to serve, at his Majesty's expense, for his conveyance when he shall be in the said shires, or shall pass through them.

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for every parroche to try quhat nomber of cairtis and horse for cariage every parroche to burgh and land may furneis for his Majesties cariage upoun his Majesteis expensis, and that thay or ony tua of thame appoint a constable in every parroche who salbe ansuerable that the cairtis and horsse for cariage designit to every parroche salbe in reddynes for his Majesties service whenevir thay salbe adverteist be the other constablis who sall haif the chairge to adverteis thame, and that thay appoint within every schirefdome tua constablis who salbe ansuerable to the maisteris of his Majesteis cariage that thay sall caus the otheris constablis appointit in every parroche haif the haill cairtis and horsse for cariage designit to the parroche in reddines, and that thay sall come and lift his Majesteis cariage at suche tyme and place as thay salbe adverteist; and that the saidis convenairis mak thair reporte of thair proceidingis in this busynes to the saidis Lordis upoun the dayis following:—to witt the convenairis of the schirefdomes of Edinburgh, Hadingtoun, Lynlithgw, and Forfair upoun the xxv day of Marche nixttocome, and the convenairis of the justiceis of peace within the schirefdomes of Fyffe and Perth upoun the xxvij day of the said moneth." Acta Mar. 1615 –Aug. 1617.

The following extract from the *Book of Sederunts*, though probably the first draft of the preceding entry in the *Acta*, is printed here because it contains some matter of local interest not incorporated in the more formal document. Note also the change in the dates on which reports are to be presented:—"The Laird of Bogy, convenair of the justiceis of peace in Fyffe, Sir James Dundas of Arnestoun, convenair in Edinburgh, Sir Johnne Home of North Beruik, convenair in Hadingtoun, the Laird of Dundas, convenair in Lynlythgow, the Laird of Balmanno, convenair of Perth, and James Durhame of Pityarrow, in name of the constable of Dundee, convenair in Forfair, compeirand befoir the Counsaill, and thay being demandit quhat ansuer thay had to gif anent that mater of the cariage recommendit unto thame, thay declairit that as yitt thay could gif no certane answer, seing thay knew not quhat nomber of horsis and cairtis his Majesteis service wald necessarlie require. And the convenair of Lynlythgow declairit that thair wes no cairtis to be had in that shyre. The Lordis ordanis thame to conveene of new the haill justiceis of peace to burgh and land within the saidis shyris, and to appoint some of thair nomberis for every parrochine to try quhat nomber of cairtis and horsis for cariage every parrochine within the shyres alsweele to burgh as land may convenientlie furneis; and that thay appoint constablis for every parrochine quho sall haif the charge to [see] the horsis be in reddines to serve as thay salbe directit; and that thay appoint tua constablis for the haill shyre who salbe ansuerable to the maister of the cariage to caus the horsis and cairtis be in reddines as thay salbe directit be the said maister of the cariage, and that thir tua constablis haif the chairge over the rest in this bussynes; and that thir convenairis haif letteris to charge the rest of thair brethreene to convene Sederunts. Fol. 6, b. Fol. 6, b.

Sederunts. with thame yf so thay desire; and that thay mak thair reporte to the Counsaill quhat thay haif done in this bussynes upoun the dayis following,—viz., Fyffe and Perth upoun the 27th of Marche; the rest upoun the 28th of Marche."

Decreta Jan.–Nov. 1617. Fol. 17, b.

[Sederunt as recorded above, except in the last name; which is here 'Sir Andro Hammiltoun.'[1]] Edinburgh, 27th February 1617.

Caption against Adam and George Turnbull and John Home for debt to John Ainslie in Jedburgh.

Complaint by Johnne Ainslie, maltman, burgess of Jedburgh, that Adam Turneble of Bullereule [Bedreule] and George Turnble, his eldest son, remain unrelaxed from a horning of 16th April last for not paying 200 merks of principal and £20 of expenses; also, that Johnne Home, younger, in Kello, remains unrelaxed from a horning of 20th November last for not paying £100 of principal and £10 of expenses.—Pursuer appearing by Fol. 18, a. Archibald Douglas, macer, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Mr. William Hamilton, minister of Mouswald, against Carruthers of Holmains and others for assault.

Complaint by Mr Williame Hammiltoun, minister at Mowswall, that Johne Carrutheris of Holmaynis, William Carrutheris of Knox, George Carrutheris, his brother, James Nicolsoun in Over Almagill, James Wilkene there, George Carrutheris of Butterquhat, Johnne Ker in Litle Datoun, Johnne Ker, younger, there, William Allasoun there, Johnne Hendirsoun in Mekle Datoun, Johnne Carrutheris in Dyke, Johnne Forsyth in Kirkwood, Harbert Carrutheris in Mudielaw, Robert Rea in Kirkwood, Thomas Haliday there, Thomas Gibsoun there, George Robsoun there, Andro Carrutheris in Over Dormont, George Carrutheris there, Johnne Clerk there, William Archibaldsoun in Mekle Datoun, and Alexander Carrutheris, brother of Johnne Carrutheris of Rammerskaillis, remain unrelaxed from a horning of 24th December last for not appearing before the Council in answer to the charge of having assaulted Fol. 18, b. pursuer on the lands of Woodland.—Pursuer appearing personally, and defenders not appearing, the Lords give order as above.

Caption against Halkhead of Lumfinans for debt to James Primrose.

Fol. 19, a. Complaint by James Prymrois, writer in Edinburgh, that Patrik Halkheid of Lumfynnance remains unrelaxed from a horning of 24th August last for not paying 300 merks of principal and £40 of expenses. —Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order to the Captain of the Guard as above.

Caption against the Laird of Auldbar for debt to Mr. James Lawtie.

Complaint by Mr James Lawtie, advocate, that Johnne Lyoun of Auldbar remains unrelaxed from a horning of 13th July last for not paying 434 merks of principal and £100 of expenses.—Pursuer appear- Fol. 19, b. ing by Archibald Douglas, macer, and defender not appearing, the Lords give order as above.

Action by the Earl of Rothes and Balfour of Denmylne against Arnot of Woodmylne

Complaint by Johnne, Earl of Rothes, and his curators, and Michaell Balfoure of Denmylne, as follows:—The Earl and his predecessors have heritable possession of the mill called the New Mill of Parkhill, and for over thirty years have had it served by the water of the Loch of Auld

[1] Cf. footnote *ante*, p. 44.

for breaking down a dam and causing flooding and destruction of property.

Lindoiris; and the said Michaell has the mill of Denmylne with the mill lands belonging thereto, "with heritable previledge of the said loche of Auld Lindoiris, ishe and outrunning of the same loche, oppynning and cloiseing thairof at all tymes.' But, on the night of Saturday 8th instant, Johnne Arnote of Wodmylne, accompanied by some armed servants, went to the loch, and "not onlie dimoleist and kaist doun the damme head of the said Michaell his mylne, quhilk wes intertenyed and uphaldin be him and his predicessoris for incloseing of the said loche and halding the watter within the same, but, with crookit instrumentis of irne maid for the purpois, he rave up the haill ground of the damme, quhilk wes verie stronglie built and layed with stane and faill, by dimolischeing quhairof the loche burst oute with suche ane spait and violence and come with so grite force upoun the saidis complenairis mylnes, quhilkis wer both gangand for the tyme, that it brak and distroyit the haill gangand geir of the mylnes, especiallie the aixtreis, quheillis, irnis, mylne spinnell, and otheris instrumentis of the same. And the saidis complenaris servandis who wer attending thair service at the mylnes verie hardelie eschaiped with thair lyves; and the force of the watter wes suche that it threw doun the brayis and otheris pairtis, whilkis wer overflowne with it, sua that the haill lead of the said complenairis mylnes is so filled with red eard and sand as it wilbe impossible in grite tyme heirefter to clenge the same. And, gif the said complenairis servandis had not brokin thair mylne leadis and thairby gaif grittair course and passage to the watter, the said watter had throwne doun thair haill mylnes and the housis and biggingis of the same. And, forder, the said watter wes so violent and fearfull that it filled ane haill house callit the Burnesyde House pertening to the said Erll of Rothes, quhairthrow the poore people that dwelt in the house verie hardlie eschaiped with thair lyveis."—Pursuers and defender appearing personally, the Lords assoilzie defender, because pursuers failed to prove their case.

Decreta Jan.–Nov. 1617.

Fol. 20, a.

Fol. 20, b.

Commission for the trial of William Orme, for reset of theft.

Commission under the Signet, signed by the Chancellor, Mar, Scone, Binning, George Hay, and Oliphant, is given to James Lawtie, bailie of the lordship and barony of Auchterhous, to try William Orme, tailor in Burnehead within the said barony, who, by his confession before the said bailie on 15th May last, received from Margaret Gray, "servitrice" to Andro at the mill of Auchterhous, a quantity of bere, oats, meal, and beef, and "ane new blew bonnett," which she stole from her said master and delivered "oute owre his barneyaird dyk to the said William Orme."

Commissions. Fol. 24, b.

Offer by Lord Elphinstone of his house in Holyrood for the use of any of his Majesty's retinue.

"The quhilk day Alexander, Lord Elphinstoun, compeirit personalie befoir the Counsaill, and, he being desirit according to his Majesteis missive letter direct to the Lordis of Secreit Counsaill that his Majestie might haif the use of his house at Haliruidhous for the more commodious ludgeing of some of his Majesteis tryne during his Majesteis aboade at Haliruidhous, the said Lord declairit that not onlie that house bot all his otheris housis sould be at his Majesteis commandment, and that he had

Sederunts. Fol. 5, b.

Sederunts. Fol. 6, a.

a purpois him selff to attend his Majestie at Haliruidhous, and, yf it might stand with his Majesteis pleasour that a pairt of this house [be] reservit to him selff, he wald verie willinglie . . . . . the same suche of his Majesteis tryne as his Majestie sould injoyne . . . , and that he sould mak thame the best interteynment he could. Quhilk being hard and considderit be the Lordis, thay ordanit the Secretair to mak his Majestie acquentit thairwith."

Acta Mar. 1615 –Aug. 1617. Fol. 81, a.

Sederunt—Chancellor; Treasurer; Wyntoun; Perth; President; Tullibardine; Scone; Bugcleugh; Cranstoun; Burley; Master of Elphinstoun; Carnegy; Clerk of Register; Mr Peter Rollok; Sir Andro Ker. Edinburgh, 28th February 1617.

"The quhilk day it wes thocht meete and expedient be the Lordis of Secreit Counsall, for mony goode respectis and considerationis tending to the observatioun of his Majesteis peace within the burgh, that the justice courte now presentlie sitting for tryeing of the Laird of Geycht anent the unlauchfull taking and detening of umquhile Frances Hay and for persuite of the brether of Brunthill [*ante*, p. 43] sall sitt no [langer this nyght nor fyve of the cloke at nyght, and so lang heirefter as this mater salbe of continewance] that the courte [sitt no langer bot till fyve of the cloke nyghtlie], and ordanes the [Clerk of] Counsall to [go and mak intimatioun heirof to the Justice] and to desire him to conforme him self in this mater accordinglie."[1] Regulations for the Justice Court for the trial of Gordon of Gicht.

Fol. 81, b.

Sederunt—Chancellor; Treasurer; St. Andros; Hammiltoun; Huntlie; Wyntoun; Perth; Tullibardine; Bishop of Ros; Binning; Bugcleugh; Cranstoun; Burley; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Bruntyland; Ridhous; Currihill; Mr Peter Rollok; Sir Andro Ker. Edinburgh, 4th March 1617.

"The quhilk day it wes thoght meete be the Counsall, in respect of the seiknes of Sir Williame Hairt and declinatour proponit aganis Mr Alexander Colvill, that Mr James Bannatyne of Newtyle salbe constitute Mr. James Bannatyne constituted Justice, in lieu of Sir William Hart, for the trial of Gordon of Gicht.

[1] For an account of the proceedings on this the second day of the trial of Gordon of Gicht, see *Pitcairn* III, 419–422. Sir William Hart and Mr. Alexander Colville were the judges; the prosecutors, as on the first day (*ante*, p. 45 n), were Lord Advocate Oliphant and Marjorie Keith, mother of the deceased Francis Hay, but with George Hay, brother of the deceased, William Hay, fiar of Brunthill, and George Hay, his brother, now conjoined with them; as prolocutors for the pursuit are now named the Earl of Errol, Lord Oliphant, Lord Yester, and Alexander Keith of Ludquharne; and the prolocutors for the defence now named are the Marquis of Huntly, the Earl of Eglinton, Viscount Lauderdale, Lord Ochiltree, Mr. Thomas Nicolson, and Mr. Alexander Peebles. After a good deal of ingenious argumentation between the Laird of Gicht's counsel and the Lord Advocate, the trial was adjourned to the following day, 1st March, Gordon of Cluny continuing his caution for the Laird of Gicht.

justice in the criminall persute aganis George Gordoun of Geicht." [1] [See Acta Mar. 1615–Aug. 1617. entry from the *Book of Commissions* on p. 55.]

Oath of Mr. James Bannatyne accordingly.

"The quhilk day M[r] James Bannatyne of Newtyle being maid and constitute our Soverane Lordis Justice for tryeing of George Gordoun of Geycht upoun the crymes specifeit and contenit in the criminall letteris raised aganis him at the instance of the brether of Brunthill and our Soverane Lordis Advocat for his Majesties interesse, as in the commissioun maid to the said M[r] James thairupoun of the daite of thir presentis at lenth is contenit, the said M[r] James compeirit personallie befoir the Lordis of Secreit Counsall, acceptit the said commissioun upoun him, and gaif his oathe that he sall dischairge the said commissioun uprightlie and faithfullie according to his knawledge, as he will ansueir to God and the Kingis Majestie thairupoun."

Submission of the feud between the Earl of Perth and Lord Livingston to arbitration.

"The quhilk day in presence of the Lordis of Secreit Counsall compeirit personallie Johne, Erll of Perth, on the one pairt, and Alexander, Lord Levingstoun, on the uther pairt, and submittit, lyke as be the tennour of this present act bothe the saidis pairtyis submittis, all materis of questioun, contraversie, and debait standing betuix thame anent the marcheis betuix his Majesteis forrest of Glen[art]ney, quhairof the said Erll of Perth is heretable foster and keiper, and the landis of Callender in Menteith pertening to Alexander, Lord Levingstoun, and to the Erll of Lynlithgow, his father, and all greiffis, displeasouris, eleistis, and un[kynd]nes whilkis hes intervenit and fallin oute betuix the saidis pairties upoun n[ew] occasioun to the honnorable personis underwrittin,—thay ar to say, Ja[mes], Lord Madertie, and Sir Alexander Drummond of Medop, judges and arbitrouris nominat for the pairt of the said Erll of Perth, and to Alexander, Lord Elphinstoun, and Sir William Levingstoun of Kilsyithe, judgeis arbitrouris nominat [for] the pairt of the said Lord Levingstoun, for taking of tryall and cognitioun in the materis contravertit betuix thame, alsweill by inspectioun of thair wr[ittis] as by the testimonie and declaratioun of honnest and famous witnesis [to be] examinate thairupoun be thame, and for removeing of the saidis questionis, contraversies, greiffis, displeasouris, and unkyndnes betuix the saidis pa[irteis], and the haill ground, caus, and occasioun of the same,

[1] The Court had duly met for its third sitting on the 1st of March, as appointed (*ante*, p. 53 footnote). From *Pitcairn*, III, 422–424, it appears that, in consequence of the illness of Sir William Hart, the single judge on the bench that day was Mr. Alexander Colville, and that it was pleaded on behalf of Gordon of Gicht that this Colville could not be lawfully a judge in the case, because he was fourth of kin to the Countess of Errol, whose husband was a party to the pursuit, and that the sitting was consumed in an argument *pro* and *con* on this question between the counsel for Gicht and the Lord Advocate. There was again adjournment to the present 4th of March; on which day, as appears from *Pitcairn*, III, 424–427, Mr. James Bannatyne presented his commission and took his place on the bench along with Mr. Alexander Colville, and much of the proceedings consisted in argument *pro* and *con* on a declinature, submitted in retaliation by the Lord Advocate, of the competency of Drummond of Medhope and Hamilton of Redhouse to be assessors on the trial, in respect that they were both related to the Marquis of Huntly, and therefore likely to be prejudiced in favour of Gordon of Gicht. The question was left undecided, and the Court again adjourned.

Acta Mar. 1615–Aug. 1617. and establis[heing of ane] solide consent and hairty freindship to be inviolablie keepit heirefter. And the saidis pairtyis obleist thame to caus thair [freindis to con]veene and meete at the burgh of Edinburgh upoun the tuentie day of [Marche] instant to accept this submissioun in and upoun thame; and thay [to] haif thair clames, writtis, and probatioun in reddines to produce the s[ame]; and the saidis pairteis gaif power to thair saidis freindis at thair mee[ting to] choose ane overisman; and quhatevir the saidis freindis, and incaise of var[iance] betuix thame the said ovirsman, sall pronunce, decerne and [delyver, that] bothe the saidis pairtyis bindis and obleisis thame to stand and abide, [and], underly and fullfill the same, but appellatioun, reclamatioun, or agan[saying] quhatsomevir. And the saidis Lordis, with consent of bothe the s[aidis pairteis, ... to stand and endure . . . . . .

Fol. 82, a. . . . . .

burdyne for thameselves, thair . . . . . .

the tennour heirof . . ather of thame . . . . . .

invaidit or onywayes persavit for quhatsumevir deid, caus, or occasioun otherwayes than be ordour of law and justice, under the pane of perjurie and defamatioun."

Proclamation for a Convention of Estates.

"Forsamekle as the Lordis of Secreit Counsall hes thoght meete and expedient that the Conventioun of the Esteatis appointit to be haldin in the burgh of Edinburgh upoun the fyft of this instant sall begin, God willing, the morne at ten of the cloke in the foirnoone: Thairfoir the saidis Lordis ordanis ane officiar of armes to pas to the mercate croce of Edinburgh and thair be oppin proclamatioun to warne all and sindrie archiebishoppis, bishoppis, noblemen, commissionaris for the noblemen, baronis, and burrowis, and all utheris writtin for to this present Conventioun, that thay and everyone of thame conveene and meete in the Laich Counsalhous of this burgh of Edinburgh the morne, the fyft of this instant, at ten of the cloke in the foirnoone, whilk is the preceis tyme appointit for thair meeting, with intimatioun as effeiris."

Commissions. Fol. 25, a.

Commission to Mr. James Bannatyne for the trial of Gordon of Gicht.

As the trial of George Gordoun of Geycht has been delayed "by the aige, infirmitie, and seiknes of Sir Williame Hairt, who may not attend thairupoun," and "by a declinatour proponit aganis M^r^ Alexander Colvill, collig to the said Sir Williame in the office of justiciarie," so that "now the delay and hinder of justice proceidis upoun the want of ane unsuspect judge," commission of justiciary is therefore given to M^r^ James Bannatyne of Newtyll for the said purpose within the Tolbooth of Edinburgh. Given under the Signet, and signed by the Chancellor, Mar, and Hammiltoun.

Commission to Lord Livingston and others for the trial of John Ferguson.

Commission under the Signet, signed by the Chancellor, Mar, and Huntley, is given to Alexander, Lord Levingstoun, Alexander Levingstoun of Wasterquarter, and the provost of Lynlithgow, or any two of them, to try Johne Fergusoun *alias* M^c^Gillichrist in Dullatour and Duncane Fergusoun there, who have been arrested by the said Lord and the said Alexander, in accordance with a commission granted to them, because the said rebels failed to find surety to appear before the Justice

to answer to the charge of having slain Alexander Levingstoun in Gorrie-crombie. Prisoners are in the keeping of the said Lord. Commissions.

Edinburgh, 5th March 1617. Convention of Estates. Vote of a Taxation of £200,000 for his Majesty's expenses in his approaching visit to Scotland.

Sederunt—Chancellor. Acta Mar. 1615–Aug. 1617. Fol. 82, b.

Bishops:—St. Androis; Glasgow; Dunkeld; Abirdeene; Galloway; Brechine; Ros; Dumblane; Caithnes; Ergyll; Orknay.

Earls:—Mar, Treasurer; Hammiltoun; Huntlie; Mortoun; Wyntoun; Perthe; Lotheane; Tullibardine.

Lords:—Viscount of Lauderdaill; Uchiltrie; Elphinstoun; Scone; Bugcleugh; Burley; Binning; Cranstoun; Carnegie.

Officers of State:—Privy Seal; Clerk of Register; Justice Clerk; Advocate.

Commissioners for the small barons of the sheriffdoms:—Edinburgh, Dalhousie and Smetoun; Constable [Constabularie] of Hadingtoun, Sir Williame Seytoun and North Beruik; Lynlithgow, Sir Johne Hamiltoun of Grange; Striviling, Keir and Dunypace; Air, Caprintoun[1]; Fyfe, Weymes and Bogye[2]; Perth, Garnteillie and Balmanno; Forfair, Pitcure; Innernes, the Goodman of Buckie; Peblis, Blakbarronie and Sir Robert Stewart; Roxburgh, the Sheriff and the Laird of Riddell; Lanrik, Caderwod and Sir Johne Hamiltoun; Dumfreis, the Laird of Lag; Kincarne, the Laird of Thorntoun.

Commissioners for the burghs:—Edinburgh, James Nisbett and Eduard Ker; Perthe, Andro Gray; Dundee, Williame Afflek; Abirdeene, Thomas Menyees; Striviling, Johne Williamsoun; Air, James Blair; St. Androis, Thomas Robertsoun; Glasgow, James Inglis; Hadingtoun, Harie Cokburne; Lynlithgow, Andro Miln; Couper, David Andersone; Culrois, Sir George Bruce; Monrois, Williame Ramsay; Irwing, Hew Scott; Drumfreis, Frances Irwing; Bruntyland, Patrik Greive; Elgin, James Rutherfurde; Brechine, Johne Norie.

Grant by the Estates of £200,000 to the King, one half to be paid at Martinmas, and the other at Whitsunday 1618. It is allocated thus:—Spiritual Estate, £100,000, The Barony Freeholders and Feuars of Royal lands £66,666, 13s. 4d., The Burghs, £33,333, 6s. 8d. (The Act is printed in full in the *Acts of Parliament*, vol. IV. pp. 581–4.) Fol. 85, b.

Edinburgh, 6th March 1617.

Sederunt—Chancellor; Treasurer; Bishop of St. Androis; Hammiltoun; Huntlie; Wyntoun; Perth; Tullibardin; Bishop of Ros; Binning; Bugcleuch; Cranstoun; Burlie; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Medop; Bruntyland; Ridhouse; Sir James Skene; Mr Petir Rollok; Sir Andro Ker. Decreta Jan.–Nov. 1617.

Caption against Thomas Johnston for debt to Charles Maxwell.

Complaint by Chairlis Maxwell, brother-german of Johnne Maxwell of Fol. 21, a.

[1] 'and Josias Steuart'—*Book of Sederunts.*

[2] *Bogye* omitted in *Book of Sederunts.*

Decreta Jan.–Nov. 1617.

Conhaith, that Thomas Johnestoun, "callit of Fingland," remains unrelaxed from a horning of 5th November 1614 for not paying £20 for each "peece" of seven ky and oxen, £100 for the "insicht" of six houses, and £10 of expenses.—Pursuer appearing by Johnne Bartane, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against Lord Herries and others for debt to George Livingston.

Complaint by George Levingstoun, son of Robert Levingstoun "at the mylne ile of Cultenespie," that Johnne, Lord Hereis, Johnne Broun of Mollance, Johnne Aslowane, younger of Garroshe, and Johnne Hereis of Croichmoir remain unrelaxed from hornings of 4th and 5th June 1616

Fol. 21, b.

for not paying 2000 merks of principal and £300 of expenses.—Pursuer appearing personally, and defenders not appearing, the Lords give order as above.

Caption against Lord Torthorwald for debt to John Raining.

Complaint by Johne Raning, Dean of Guild and burgess of Drumfreis, that James, Lord Torthorwald, remains unrelaxed from a horning of 6th February 1615 for not paying 400 merks of principal and £40 of

Fol. 22, a.

expenses.—Pursuer appearing by Johnne M^{c}Myn, and the defender not appearing, the Lords give order as above.

Caption against James Moncrieff and his wife for debt to James Hamilton.

Complaint by James Hammiltoun, one of the four ordinary macers before the Lords of Council, that Margaret Lindsay, sister-german and heiress to the late Thomas Lindsay, elder of Logyis, her father, and James Moncreiff, now her spouse, remain unrelaxed from a horning of 20th November last for not paying 5000 merks "as for the availl and

Fol. 22, b.

proffeit of the said Margaret hir mariage."—Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, the Lords give order as above.

Action by the Bishop of Brechin and the Magistrates of Brechin against William Murray and Robert Lindsay for riotous behaviour, assault, and prison-breaking.

Complaint by Andro, Bishop of Brechin, and the provost and bailies of the city of Brechin, as follows:—Williame Murray, skinner in Brechin, had been committed to ward within the Tolbooth for an insolence committed by him on the High Street of the said town against one of his neighbours. He was ordered to remain there till the magistrates should take order with him; but, on the night of 10th February last, after a conference at the tolbooth with Robert Lindsay, skinner, one of his drinking companions, he left the tolbooth in his company. They spent the night in riot and excess, and in the morning returned to ward. "And, sindrie freindis comeing to visite the said Williame, he being a frie wardoure and the keyis of the tolbuith in his awne keiping, the said Robert lockis the dure and incloisis thame all till everie ane of thame sould pay ane pynte of wyne; bot thay all eschaiped and gat oute, except ane William Essie, a nichtboure of the toun, whome the saidis Robert and Williame detenit, halding the duris fast lockit upoun him,—the saidis magistratis being in the meanetyme at the precheing. Efter the ending quhairof, heiring of this disordoure commitit in thair waird, thay come to sie quhat the mater meanit, and desyrit the duris to be oppynit; quhilk wes refuisit be the saidis William Murray and Robert Lindsay

with mony disdanefull and reprotchfull speitcheis, saying thay wald knaw first quhairfore thay wer wairdit afore ony baillie gat entrie. Adverteisment quhairof comeing to the said bischop, he come to the said tolbuith and desyrit that thay wald oppin the dure; bot, being lykwyse refuisit with the lyke or grittair disdane and contempt, he with the magistratis took purpois to brak up the duris. In the meantyme the said Williame Essie, quhome thay detenit as prisonner, threw the key oute of the said Robert his hand and kaist it out at the windo; whairupoun the said Robert with a drawne swerd verie cruellie invadit him of his lyff, and he with ane other swerd stood to his defence. And, gif the dure had not bene the moir suddanlie oppynnit and the saidis complenairis with some of thair counsaill enterit and stayed thame, the one of thame had not failled to have slane the other. And, the said bischop taking hold of the said Robert Lindsay, throwing the swerd oute of his hand, and admonisheing him of his dewtie, saying unto him, as the treuth wes, that he justlie deservit to be put in the stokis, he thairupoun fell oute in most outrageous and railling speitcheis aganis the said bischop. Quhairat M^r^ Lawrence Skymer [Skynner], minister at Dunloppie, taking offence that the said Robert sould so fer have abusit him in langweidge, and with verie grite modestie and discretioun haveing desyrit the said Robert to content him selff in quietnes, the said Robert, nawyse repenting of his foleyis, pat violent handis in the said minister in all thair presenceis, and with his fauldit neve gaif him some straikis. The consideratioun quhairof moved the said bischop and the magistratis of the said citie then presentlie to fens ane courte to have tane ordour in this mater. And, the said Robert Lindsay and Williame Murray being bothe put in the counsalhouse till the complenairis had advisit quhat sould haif bene done with thame, thay enterit in querrelling of otheris within the counsalhouse, and with thair nevis persewit ane another; and, whenas David Liddell, thesaurer of the said citie, with some otheris nichtbouris, past betuix thame to have red thame, the said Robert Lindsay strak thair said thesaurer, pullit his bairde, and verie disgracefullie abusit him. And, thay being sinderit be the bailleis, and the said Robert brocht to his answer at the bar, the complenairis being sitting in judgement for the tyme, he preasit to go by the entrie within the bar and to gang furth at the dure; bot, being stayed be Johnne Langwill, ane of the bailleis, the said Robert in the sicht of all the people strak the said baillie with his neiff on the face, and at the same tyme he strak Johnne Skynner, ane of the counsaill of thair toun. For the quhilkis his foleyis being commitit to waird, and command gevin to keepe him cloise prisonner, he, by the negligence of the officearis of the said citie, gettis the key in his hand and closed him selff within, refuiseing in ony caise to oppin the dure; and that same verie nicht he had a purpois to have brokin waird at the rigging of the house, and brak doun ane pairt thairof, and had not faillit to haif eschaiped, wer not he wes discoverit and stayit. And now at last, to crowne all thir formair insolenceis and foleyis, he hes brokin waird and eschaiped upoun the

Decreta Jan.–Nov. 1617. Fol. 23, a.

Fol. 23, b.

Decreta Jan.–Nov. 1617.

threttene day of Februair instant, leaving ane foull and wicked example of rebellioun and disobedience aganis the magistratis to all the evill disposit personis of the said citie, gif this be sufferit to pas over unpunist."—The said bishop appearing for himself and the other pursuers, and William Murray and Robert Lindsay not appearing, the Lords order that the defenders shall be charged to enter their persons within the Tolbooth of Edinburgh and remain there at their own expenses, under pain of being denounced rebels.

Commissions. Fol. 25, b.

. Licence under the Signet to Thomas Kennedie of Bargennie to go abroad and remain there for three years without danger to his person, lands, or goods, provided he behave loyally to the King and his country. Signed by the Chancellor, Huntlye, Binning, and James, Bishop of Glasgow. Licence to Thomas Kennedy to go abroad.

Commission under the Signet, signed by the Chancellor, Binning, George Hay, Sir G. Murray, and Sir W. Oliphant, is given to Mr Alexander Hammiltoun, Sheriff of Lynlithgow, and James Cochrane of Babacklar to apprehend and try Patrik Rid in Bathcat, Agnes Knox, his spouse, and Margaret Rid, their daughter, who are suspected of "the foull and detestable cryme of witchcraft, sorcerye, incantationis, and utheris devilishe practizes." Commission to the Sheriff of Linlithgow and another for the trial of Patrick Reid, his wife, and his daughter, for witchcraft.

Sederunts. Fol. 7, b.

Sederunt—Chancellor; Binning; Clerk of Register; Treasurer-Depute; Advocate. Edinburgh, 8th March 1617.

Fol. 8, a.

"The quhilk day William, Lord Cranstoun, compeirand personalie befoir the Counsaill, and being demandit yff he wes content and willing to submitt him to his Majesteis arbitriment anent the satisfactioun quhilk Robert Maxwell, bruther to the laite Lord Maxwell, sould gif unto him for suche pairtis and portionis of the said laite Lord Maxwellis landis and leving as ar possest be him, the said Lord Cranstoun declairit that in all humilitie he could be content to submitt his haill estate and landis to his Majesteis arbitriment, bot in this particulair he could not presentlie gif ane direct ansuer, inrespect he knew not weele quhat to submitt, he haveing disponit a pairt of these landis amangis his freindis; and he humblie craved that he myght haif tuentie dayis to be advisit with his freindis to the effect he might gif ane direct ansuer. Quhairunto the Lordis of Previe Counsaill aggreit, and assignit unto him, with his awne consent, the xxvij of this instant to gif his ansuer. Robert Maxwell, being personalie present, is warnit heirto *apud acta*." Time given to Lord Cranstoun to consider whether he will submit his difference with Robert Maxwell to the King's arbitration.

"The Lordis ordanis ane missive to be writtin to the Laird of Lag to addresse him self heir the 28th of this instant for the mater abone-writtin." Missive to the Laird of Lag.

Acta Mar. 1615–Aug. 1617. Fol. 85, b.

Sederunt—Chancellor; Treasurer; Hamiltoun; Wyntoun; Perthe; Tullibardine; Bishop of Abirdeene; Bishop of Ros; Bugcleugh; Edinburgh, 11th March 1617.

Cranstoun ; Binning ; Carnegye ; Bruntyland ; Clerk of Register ; Treasurer-Depute ; Sir Andro Ker. Acta Mar. 1615 –Aug. 1617.

Warrant for the payment of 6000 merks to Captain David Murray, for the suitable equipment of the pinnace which is to bring from England the furnishings and provisions ordered thence for the King's use during his visit.

"Forsamekle as the Lordis of Secreit Counsaill hes directit Capitane David Murray, with his Majesteis pinnace called 'The Chairles,' to England for bringing frome thense suche furnissingis and provisionis as ar boght to be send heir for his Majesteis use ; and whereas the said Capitane, for the better saulftie of his Majesteis said pinnace and of the goodis and geir quhilkis he is to bring home in hir, mon not onlie augment the ordinair nomber and equippage of the said pinnace with tuentie personis, bot lykewayes mon provyde hir with sufficient stoir of poulder and shoitt, and victuall hir accordinglie : Thairfoir the Lordis of Secreit Counsall Commissionaris of his Majesteis Rentis hes aggreit with the said Capitane that for the augmenting of [the] nomber of the equippage and companie of the said pinnace, for furnissing of hir with poulder, shoitt, [and] victuallis, for beiting and mending of the said pinnace, and for his going with hir to England and bringing frome thense of his Majesteis provisionis and furnissingis (quhilk voyage he is to accomplishe, God willing, betuix and the last day of Aprile nixttocome), he sall haif sax thowsand merkis usuall money of this realme,—to witt, twa thowsand merkis for every moneth, to be accomptit frome the first day of Februair last, quhilk wes the tyme that the saidis Lordis enterit in conditioun and bargane with him for this service. And in this monethlie allowance and pay of tua thowsand merkis salbe comprehendit, accomptit, and allowit the said Capitane his ordinair monethlie pay allowit to him and his equippage be act and warrand of Secreit Counsall for keeping of the said pinnace, and that for the monethis of Februair last, Marche instant, and Aprile nixttocome; quhilk soume of sax thowsand markis as for the saidis three monethis pay, togidder with ane half twn of wyne, the saidis Lordis ordanis Sir Gedeone Murray of Elibank, knicht, Deputie Thesaurair, to delyver to the said Capitane David Murray oute of the first and reddiest of his Majesteis moneyis being in his handis outher of the taxatioun or otherwayes. Anent the delyverie of the whilk sowme and half twn of wyne the extract of thir presentis with the said Capitane David his acquittance salbe unto the said Sir Gedeone a sufficient warrand." Fol. 86, a.

Warrant for the delivery to the said Captain David Murray of £10,000, to be paid over by him in London to James Baillie, by way of addition to the sums already paid to the said Baillie for the purchase of furnishings and provisions in France.

"Forsamekle as the Lordis of Secreit Counsall ar informed frome James Baillie, one of the ressavearis of his Majesties Rentis, that the sowmes of money quhilkis wer delyverit to him for bringing frome France and England of some necessair provisionis and furnissing for his Majesties house will not do the turne in suche sufficiencie as is requisite for his Majesteis honnour and contentment and credite of the cuntrey : Thairfoir the Lordis Commissionaris of his Majesteis Rentis ordanis Sir Gedeone Murray of Elibank, knicht, Deputie Thesaurair, to delyver to Capitane David Murray, Capitane of his Majesties pinnace callit 'The Charlis,' whome the saidis Lordis hes directit to Londone with the said pinnace for home bringing of the saidis furnissingis, the sowme of ten thowsand

Acta Mar. 1615–Aug. 1617.

pundis usuall money of this kingdome oute of the first and reddiest of his Majesties moneyis being in the said Sir Gedeonis handis outher of the taxatioun or utherwayes, to the effect the said Capitane David Murray delyver the same sowme to the said James Baillie immediatlie efter his comeing to Lundone for the outred of suche provisionis and furnissingis as the said James hes alreddy bocht or shall buy for his Majesties use, so far as the said sowme sall extend unto. Anent the delyverie of the quhilk sowme to the said Capitane David, the extract of this act, with the said Capitane his acquittance upoun the ressett of the said sowme, being obligatour lykewayes for his redelyverie of the same to the said James Baillie, salbe unto the said Sir Gedeone a sufficient warrand."

Order to Captain David Murray to sail at once to London with his pinnace, and to bring thence the tapestry, silver plate, &c., collected by the said James Baillie.

"Forsamekle as thair is a grite nomber of tapestrie, silver plaitt, and otheris housholde stuffis and moveablis besides some provisionis and furnissingis boght be James Baillie to be send frome England heir for his Majesties house and . . . . . hamebringing of the same with suche saulftie and diligence as convenientlie may be: Thairfore the Lordis of Secreit Counsall hes maid choise of his Majesties awne pinnace callit 'The Chairles,' lyand in this cuntrey under the chairge of Capitane David Murray, as the most fitt veshell for hamebringing of the saidis moveablis, housholde stuff, and furnissingis, and ordanis the said Capitane, who wes personallie present, to mak his addresse tawardis the citie of Lundone with the said pinnace at the first occasioun of wynd and wedder, and thair to ressave the saidis tapestrie, silver plaitt, housholde stuff, moveablis, and otheris provisionis and furnissingis frome these that hes the chairge of the same; and that he returne home thairwith so soone as possiblie he may; and that he haif a speciall cair of the saulftie of the said pinnace and of the goodis and geir being within hir, as he wilbe answerable upoun the dewytie of his chairge and calling."

Fol. 86, b.

Decreta Jan.–Nov. 1617. Fol. 24, a.

[Sederunt as recorded above.]

Edinburgh, 11th March 1617.

Caption against Mark Swinton, Provost of Inverkeithing, for debt to Mr. James Haliday.

Complaint by Mr James Halyday, advocate, that Mark Swyntoun, provost of Innerkething, remains unrelaxed from a horning of 17th day of December 1613 for not paying 300 merks of principal and £40 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Suspension of horning against Peter Murray for assault.

Complaint by Petir Murray in Clathie that he has been put to the horn wrongously at the instance of Harie Smetoun in the Mains of Dowhill for not appearing before the Council to answer to the charge of having assaulted him. He pleads that he was not lawfully summoned, and that he had found caution in 300 merks to appear this day, and offers 40 merks for his escheat.—Pursuer appearing personally, and defender not appearing, the Lords suspend the said process.

Fol. 24, b.

Licence to James Stirling, Dean of Dunblane, to go abroad.

Licence is given to James Stirling, Dean of Dumblane, to go abroad and remain for five years, without skaith to his person, lands, or goods, provided he behave as a loyal subject. Given under the Signet, and signed by the Chancellor, Mar, Hammiltoun, Tullibardine, Perth, A., Bishop of Aberdene, Pa[trik], Bishop of Ros. Commissions. Fol. 26, b.

Edinburgh, 13th March 1617.

Sederunt—Chancellor; Treasurer; Hammiltoun; Huntlie; Wyntoun; Perth; Tullibardine; Scoone; Bugcleugh; Binning; Cranstoun; Carnegy; Privy Seal; Clerk of Register; Treasurer-Depute; Justice Clerk; Advocate; Kilsyithe; Ridhous; Medop; Bruntyland; M[r] Peter Rollok; Sir Andro Ker. Acta Mar. 1615 -Aug. 1617. Fol. 86, b.

Proclamation for enforcing the acts against the practice of "mure-burn" later in the year than March.

"Forsamekle as, the Kingis Majestie and his predicessoris of famous memorie considering the grite hurte and inconvenient that the making of mureburne did produce in sindrie pairtis of this cuntrey, not onlie by corrupting and vitiating of the aire and distroying thairby of the florishe of all trees and herbis neir to the pairtis quhair the mureburne wes maid, yf the same fell oute as commounlie [it] dois in the springtyme, bot by the spoyle and distructioun of all kynd of wylde foule who ar bred and fed in mures, thairfoir his Majestie and his predicessoris, with advise of thair Esteatis [of] Parliament, did by divers actis and constitutionis forbid and dishairge the making of mureburne in ony pairt of this kingdome efter the moneth of Marche yeirlie, under certane panes mentionat and contenit in the saidis actis; whilkis actis haveing for some certane space efter the publicatioun thairof ressavit obedience [in certane] pairtis of this realme to the benefite of the commoun[weele, never]theles the Lordis of Secreit Counsall ar informed that . . . the cairles animadverting to the preceis observatioun of the [act in] this pointe hes renewit the formair abuse of making of mure[burne] in all tymes and seasonis of the yeir, sua that now the hoip of . . . and impunitie hes removit all reverent respect and obedien[ce to] the law, and hes maid the said formair abuse and cont[empte of the] law to be universall and commoun without distinctioun . . . . . verie grite scairstie of all kynd of wyldfoull this yeir, Fol. 87, a. whenas his Majestie is to honnour this his ancient kingdome with his royall presence, without remeid be providit: Thairfore the saidis Lordis ordanis letteris to be direct to command, chairge, and inhibite all and sindrie his Majesties liegeis and subjectis be oppin proclamatioun at the mercate croceis of the heade burrowis of this realme and utheris placeis neidfull that nane of thame presoome nor tak upoun hand to mak ony mureburne this present yeir nor at no tyme heirefter after the said monethe of Marche yeirlie, under the panes contenit in the actis and constitutionis maid and publeist heiranent of befoir, certifeeing thame that sall failyee or do in the contrair that they salbe callit, convenit, persewit, and punist conforme to the saidis lawis with all rigour; and to command and chairge all and sindrie schireffis, stewartis, baillies of regalityis, justiceis

Acta Mar. 1615–Aug. 1617.

of peace, and otheris judgeis, officeris, and magistratis quhatsomevir that thay and everyone of thame within the boundis of thair awne limittis, officeis, and jurisdictioun haif a speciall cair and regaird to see this present act and ordinance preceislie keept, and to notifie the names of the contravenaris to his Majesteis Counsall, to the effect the saidis contravenaris may be callit, persewit, and punist accordinglie, as the saidis schireffis, stewartis, baillies, justiceis of peace and utheris magistratis foirsaidis will answer to his Majestie and his Counsall upoun the dewtifull dischairge of thair officeis."

Order to certain craftsmen to serve in the works at Holyroodhouse.

Act ordering Thomas Robertsone, Thomas and Johne Wilson, Thomas Pettie, and Hew Phrew, masons in St. Androis, and Thomas Greeve, wheelwright there, who have disobeyed the summons to assist at the works at Haliruidhous (*ante*, p. 25), to repair thither within three days, under pain of horning.

Decreta Jan.–Nov. 1617. Fol. 25, a.

[Sederunt as recorded above.]

Edinburgh, 13th March 1617.

Complaint by John Watson against James Watson for robbery and assault nearly a year ago.

Complaint by Johnne Watsoun in Brounhill that on 6th April 1616, while in the house of James Hervie, burgess of Hammiltoun, he was attacked by James Watsoun in Roddinhill and robbed of his sword; and that in the evening of the same day, when returning to his house at the west end of Hammiltoun, he was again attacked by the said James and some armed accomplices, and was wounded in the face and other parts.—Pursuer appearing personally, and defender not appearing, the Lords order defender to be denounced rebel.

Complaint by William Douglas, younger of Glenbervie, against Alexander Watson for barking trees.

Fol. 25, b.

Complaint by Williame Douglas, fiar of Glenbervie, and heritable proprietor of the lands and woods of Kennay, especially the wood thereof called the 'Wood of Paradyse,' that, on June last, Alexander Watsoun, cordiner in "the Strypis," by himself, and at least David Chalmer in Burnesyde of Drumnahoy at the said Alexander's bidding, "peillit the bark of a grite nomber of birk and oakin treis to the nomber of tuelf grene growand treis" in the said wood, and carried the same to the said Alexander's house in Strypis.—Pursuer appearing by Alexander Balmanno, and the said David Chalmer not appearing, the Lords order him to be denounced rebel.

Caption against John and Thomas Home for debt to Home of Renton.

Fol. 26, a.

Complaint by Alexander Home of Rentoun that Johnne Home, younger, portioner of Kello, and Thomas Home, his brother, remain unrelaxed from hornings of 31st December 1616 and 5th February last respectively for not paying £150 of principal and £40 of expenses.—Pursuer appearing by Thomas Allane, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Caption against Lord Herries for debt to Ker of Fentoun.

Complaint by Andro Ker of Fentoun that Johnne, Lord Hereis, remains unrelaxed from a horning of 26th September last for not paying 4000 merks.—Pursuer appearing by Alexander Cwnynghame, and defender not appearing, the Lords give order as above.

James Mitchell against certain inhabitants of Inverury for assault. Defenders assoilzied, and complainant committed to the Tolbooth of Edinburgh as a trouble to his burgh.

Decreta Jan.–Nov. 1617. Fol. 26, b.

Complaint by James Mitchell in Enrowrie, as follows:—On December last about 9 o'clock at night, as pursuer was going out of his house with a lighted candle in hand towards his stable, he was cruelly assaulted by Johnne Beingyie in Enrowrie with a long dirk, before he was aware of his presence. He received a great wound in the face. On 15th January last, the said John, accompanied by William Ronald, William Johnnestoun, younger, Robert Tailyeour, Waltir Fergus, and William Johnnestoun, son of Alexander Johnnstoun, indwellers in Enrowrie, all armed, went to pursuer's house about 10 o'clock at night, when he, his wife, and family were going to bed, and committed another assault on pursuer, whom they wounded in the back.—Pursuer appearing Fol. 27, a. personally, and the defenders, with the exception of William Johnnstoun, younger, also appearing, the Lords assoilzie defenders, because pursuer failed to prove his charges. "And, whereas the saidis Lordis hes fundin by the productioun of divers actis and rolmentis of courte of the toun of Inerrowrie producit aganis the said James in his awne presence, that he is a verie troublesome man and dissobedient to his magistratis, and hes callit and convenit the saidis defendairis heir without ony just caus or occasioun: thairfore the saidis Lordis ordanis him to be commitit to waird within the Tolbuith of Edinburgh, thairin to remane upoun his awne expensis ay and quhill he be fred and relevit be the saidis Lordis."

Edinburgh, 13th March 1617.[1] Commission to the Sheriff of Inverness for the trial of John Mac-Tagart for stealing a boat and net.

Commissions. Fol. 27, a.

Commission under the Signet, signed by the Chancellor and Mar, is given to the sheriff of Innernes and his deputes to try Johnne M^cIntagart, son of Patrik M^cIntagart in Innerluell, at present in the keeping of Monro of Foullis, for the theft of a boat and net from George Monro in Innerluell (*ante*, p. 29). Prisoner had confessed his crime in presence of M^r Robert Ros, minister at Alnes, and M^r Robert Monro, minister at Kiltirrane, on 18th January last, as shown by a testimonial under their hands.

Edinburgh, 15th March 1617. Warrant for the delivery of £5000 to Sir Henry Wardlaw for the pay of the workmen employed in Edinburgh, and at Holyroodhouse, Stirling, and Falkland.

Acta Mar. 1615–Aug. 1617. Fol. 87, a.

[Sederunt not recorded.]

"The Lordis of Secreit Counsall Commissionaris of his Majesteis Rentis ordanis Sir Gedeone Murray, Deputie Thesaurair, to delyver to Sir Henrie Wardlaw, knicht, one of the ressavearis of his Majesties Rentis, [the] sowme of fyve thowsand pundis usuall money of this realme, oute of the [reddiest of his Majesteis moneyis being in the said Sir Gedeone his] Fol. 87, b. handis, to the effect the said Sir Henry may distribute the said sowme

[1] Since the 4th of March, which was the third day of the sittings of the Court for the trial of Gordon of Gicht (*ante*, p. 54, footnote), there had been adjourned sittings on the 7th, the 8th, and the 11th and 12th. See *Pitcairn* III, 427; where it appears that the pursuers had abandoned their declinature of the assessorships of Drummond of Medhope and Hamilton of Reidhouse, and that on the 11th and 12th there were very prolix disputations on the merits of the case. But on this day, 13th March, which was the eighth of the trial, there was a stop in the proceedings, recorded thus:—"The Justice and Assessouris, "for obedience of ane warrand of the Lordis "of Secreit Counsall producet be my Lord "Justice Clerk, continewis this Justice Court, "and all forder disputatioun in this cause, to "the auchtene day of Junii nixtocum." The warrant is signed by the Chancellor, Mar, and Binning.

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amangis the workemen attending and serving at his Majesties workis of Edinburgh, Haliruidhous, Striviling, and Falkland; anent the delyverie of the quhilk sowme thir presentis with the said Sir Henry his acquittance upoun the ressett of the said sowme salbe unto the said Sir Gedeone ane sufficient warrand."

Edinburgh, 18th March 1617.

Sederunt—Chancellor; Tullibardine; Bishop of Abirdeene; Bishop of Ros; Binning; Carnegy; Master of Elphinstoun; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Bruntyland; M^r^ Peter Rollok; Sir Andro Ker; Sir Williame Alexander.

Warrant to the Treasurer-Depute for the payment of £200 sterling to Matthew Goodrick, citizen of London, as per contract with him for painting and gilding the Chapel of Holyrood-house, and for the payment also to Nicolas Stone, citizen of London, of £450 sterling, as per contract with him for carpenter and carving work in the said Chapel.

"Forsamekle as, by vertew of ane indentour past betuix Sir Gedeone Murray, Deputie Thesaurair, and James Baillie, on the one pairt, and Matheu Guidrick, citienair and paynter in Lundone, on the other pairt, the saidis Sir Gedeone and James Baillie ar oblist to mak payment to the said Matheu of the soume of tua hundreth pundis laughfull money of England, at certane termes specifeit in the said indentour, for paynting [and] gylting of his Majesties chappell of Haliruidhous in forme and maner lykewayes contenit in the said indentour; lyke as, be vertew of ane contract and appointment past betuix the said Sir Gedeone, with advise of the Lordis of Secreit Counsall, on the one pairt, and Nicolas Stone, carvair and citienair of Lundone, on the other pairt, the said Sir Gedeone is obleist to mak payment to the said Nicolas of the soume of foure hundreth and fiftie pundis lauchfull money of England at certane termes specifeit in the said contract, and that for the said N[icolas] his bigging and setting up of ane parpane wall with certane daskis and utheris ornamentis in the said chappell of Haliruidhous in maner s[pecifeit] in the said contract, as the same of the daite the first of August l[ast] beiris; and whereas the termes of payment of the sowmes particularlie abonewrittin ar some bigane and the rest neir approtcheing: Thairfore the Lordis of Secreit Counsall Commissionaris of his Majesteis Rentis allowis of the indentour foirsaid maid with the said Matheu [Gui]drick and of the contract and appointment foirsaid maid with the said Nicolas Stone in the haill pointis, clausis, tennour, and conditionis of [the same], and accordinglie ordanis the said Sir Gedeone to mak payment [to the] said Matheu Guidrick of the soume foirsaid of tua hundreth pundis [usuall] money, and to mak payment to the said Nicolas Stone of the [soume] of foure hundreth and fiftie pundis oute of the first and [reddiest of] his Majesties moneyis being in the said Sir Gedeone his handis; for [payment] of the quhilkis sowmes the extract of thir presentis, with the said Sir [Gedeone his] verificatioun of payment of the same sowmes by the acquittancis of [the personis] particularlie foirsaidis, salbe unto him a sufficient warrand."[1]

[1] The contract with Nicolas Stone for woodwork in Holyrood Chapel had been as long ago as August 1616 (see *ante*, vol. X. p.p. 593–4); and the whole subject of the repairs

Warrant to the Treasurer-Depute to send his Majesty's "robe-royal" to his Majesty, in charge of a careful person, his Majesty requiring to see whether it is in suitable condition to be worn in the solemnities of his coming visit.

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Fol. 88, a.

"Forsamekle as it hes pleasit the Kingis Majestie to gif direct[ioun that] his Majesties robe royall be send up to his Majestie with all convenient [haist], to the effect his Majestie may [provyde him self of ane new robe efter the] fassioun of the auld, yf so be his Majestie shall find the auld one to be so worne as sall not be fitt to be caryed be his Majestie in ony grite solempnitie: Thairfoir the Lordis of Secreit Counsall ordanis and commandis Sir Gedeone Murray, Deputie Thesaurair, to caus the said robe royall be tane oute of his Majesteis wardrope, and to send up the

and decorations of the Chapel in preparation for his Majesty's arrival had been much in the public mind since then. Not in Scotland only, it would appear; for in a letter of London gossip from Mr. Chamberlain to Sir Dudley Carleton, dated 7th December 1616, and quoted in Nichols's *Progresses of James* I. (III. 229–230), we read "The speech of the "King's journey into Scotland continues still, "though it be said to be somewhat deferred, "and not to begin so soon as was at first "intended. We hear they make great pre- "parations there to be in their best equip- "age; and from hence many things are sent, "but especially a pair of organs that cost "about £400, besides all manner of furniture "for a Chapel, which Inigo Jones tells me "he hath the charge of, with pictures of the "Apostles, Faith, Hope, and Charity, and "such other religious representations; which "how welcome they will be thither God "knows." That they were very far from generally welcome in Scotland we learn both from Spotswood and Calderwood. "Among "other directions sent from the King," writes Spotswood (p. 530), "one was for repairing "of the Chappell, and some English carpent- "ers employed, who brought with them the "portraits of the Apostles to be set in the "pews or stalls. As they were proceeding in "their work, a foolish and idle rumour went "that 'images were to be set up in the "'Chappell'; and, as people are given to "speak the worst, it was current among them "that 'the organs came first, now the images, "and ere long they should have the masse.' "The Bishop of Galloway, then Dean of the "Chappell [Bishop William Cowper], moved "with these speeches, did pen a letter to the "King, entreating his Majesty 'for the "'offence that was taken to stay the affixing "'of these portraits.' To this letter he pro- "cured the subscriptions of the Archbishop "of St. Andrews [Spotswood himself], the "Bishops of Aberdeen and Brechin [Bishops "Alexander Forbes and Andrew Lamb], and "divers of the Ministers of Edinburgh. The "answer returned by the King was full of "anger, objecting ignorance unto them that "could not distinguish betwixt pictures in- "tended for ornament and decoration and "images erected for worship and adoration, "and resembling them to the Constable of "Castile, who, being sent to swear the peace "concluded with Spain, when he understood "the business was to be performed in the "Chappell, where some anthems were to be "sung, desired that, 'whatsoever was sung, "'God's name might not be used in it, and, "'that being forborn, he was content they "'should sing what they listed.' 'Just so,' "said the King, 'you can endure lyons, "'dragons, and devills to be figured in your "'churches, but will not allow the like place "'to the Patriarchs and Apostles.' His Ma- "jesty alwaies [*i.e.*, nevertheless] gave order for "some other form, and staying the erecting of "these portraits; which, in the same letter he "said, 'was not done for ease of their hearts, "'or confirming them in their errour, but be- "'cause the work could not be done so qūickly "'in that kind as was at first appointed.' "This letter was of date at Whitehall the 13th "of March 1617,"—Calderwood's account of the same affair (VII, 244) is as follows:—"In "repairing the Royall Chappell of the Palace of "Halyrudhous, beside the place which was pre- "pared for the organs and the quiristours to "sing, there was also carved the statues of the "twelve Apostles and the four Evangelists, "curiouslie wrought in timber, which were to "be gilted and sett up to decore the Chappell. "But the people murmured, fearing great "alterations in religion; wherupon the "bishops dissuaded the King from setting "them up in the Chappell. The bishops of "England had either advised the King, or "els allowed his intention."—Calderwood illustrates the matter further by quoting a letter sent by Cowper, Bishop of Galloway, to Mr. Patrick Simson, Minister of Stirling, to inform him of the particulars of the trans- action. "Concerning images," the Bishop wrote, "we have gotten them discharged,

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same in all haist to his Majestie with some honnest and sufficient persone who will haif a cair of the sure and saulff keeping of the same, and that he furnishe the said persone with meanes for defraying of his chairges be the way; whairanent the extract of thir presentis salbe unto the said Deputie Thesaurair ane sufficient warrand."

Proclamation for the discontinuance, under penalties, of the rude and barbarous custom, prevalent in some remote parts of the kingdom, of pulling the wool from sheep instead of clipping it.

"Forsamekle as the Kingis Majestie is informed of a verie rude and barbarous custome quhilk is used and hes bene of continuance thir divers yeiris bigane in some remote and incivile placeis of this kingdome by plucking and pulling violentlie the woll frome the sheip, whairas it sould be clipped,—quhilk abuse as it is verie hurtfull to the sheip and procures the deathe of a grite many of thame, so it is most incivile and barbarous and aucht not to be tollerat nor allowit in no weele governit cuntrey,—thairfore his Majestie, with advise of the Lordis of Secreit Counsaill, ordanis letteris to be direct to command, chairge, and inhibite all and sindrie his Majesties liegeis and subjectis be oppin proclamatioun at the mercat croceis of the heade burrowis of this realme and otheris placeis neidfull, that nane of thame presoome nor tak upoun hand at ony tyme efter the publicatioun heirof to pluck or pull the woll frome thair sheip, nor to suffer the same to be pluckit or pulled be thair directioun and allowance, bot that thay clip the said woll with shearis, as is used in the civile pairtis of the cuntrey, under the pane of foure shillingis usuall money of this kingdome to be incurrit be the persone or personis contravening for everie sheip that salbe pulled aganis the intent and meaning of this present act, certifeeing thame that shall failyee or do in the contrair that thay salbe callit, convenit, and persewit for the brek of this present act, and the pane foirsaid salbe upliftit of thame without favour; and thir presentis to be withoute prejudice of the panes appointit be the lawis of this kingdome aganis the personis that pullis and pluckis sheip.

—His Majesties missive lettir for the warrand of the act abonewrittin. Right trustie and welbeloved cosen and counsellour, and right trustie and weilbeloved counselloris, we greete yow weele. Whereas we ar informed of a rude custome continued in some remote pairtis and uncivile placeis of that our kingdome in violentlie plucking the woll frome the sheepe,

"upon a letter we wrott, subscribed by the "Bishops, Mr. Patrick Galloway, and Mr. "Johne Hall; but yet with a sharpe rebuke, "and checke of ignorance, both from his "Majestie and Canterburie, calling our stir- "ring at them *scandalum acceptum, sed non* "*datum*. We beare the reproofe the more "patientlie becaus we have obtained that "which we craved. . . . . The King in his "letter boasted us with his English doctours, "who, he sayes, sall instruct us in these and "in other points, except we refuse instruction. "God make us wise and faithfull, and keepe "us from their usurpation over us, which "now is evidentlie perceived, and hardlie "taken by us all."—The King's stinging letter of the 13th of March 1617, so offensive to the Scottish Bishops in its manner, while it conceded what they had requested, was about the last piece of business done by his Majesty at Whitehall before setting out on his progress northwards for Scotland. He left London for the first stage of that progress on the 15th of March, arriving that day at Theobalds. His journey through England was to be so slow, and with so many stoppages by the way at English towns and noblemen's houses for festivities and entertainments, that it was not till two months afterwards that he reached the Scottish Border.

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quhairas it sould be clipped,—whiche abuse is alreddy reformed in our kingdome of Irland, a particulair penaltie of a groate being imposed upoun every sheip so used, and far les to be indured be yow, being (besydes the harme whiche the sheepe receave thairby) altogidder barbarous and uncivile: Thairfoir oure pleasour is and we command that yow tak some course for restrayning this disproveable custome foirsaid in tyme comeing by imposing a particulair penaltie upoun every sheepe whiche salbe so used. And, that the said penaltie may be the more strictlie exacted for certifeing of every one that transgresses in that kynd, wee will yow to grant a signatour to James Alexander, indweller in Striviling, during the space of his lyftyme, of all the . . . . . foirsaidis, that he may the more carefully searche oute all suche as will needes obstinately persist in this absurditie foresaid. So, recommending the dispatche of this to your speciall care, we bid yow fairwell. Frome oure courte at Newmarket, the 17th day of December 1616." Acta Mar. 1615 –Aug. 1617. Fol. 88, b.

[Sederunt as recorded above.] Decreta Jan.–Nov. 1617. Fol. 27, b.

Edinburgh, 18th March 1617. Allaster Mac-Donell and others against John Mac-William Moir and others for assault and violence.

Complaint by Allaster M^{c}Donill V^{c}Allaster in Delbrogat, James M^{c}Donill V$_{c}$Allaster, his brother, and Williame M^{c}James Voir, their servant, as follows:—On April last, as they were journeying on the highway from their houses towards the country of Mar, they were met by Johnne M^{c}Williame Moir in Achnachyle, James and Alexander M^{c}William Moir, his brothers there, Allaster M^{c}Eane V^{c}William Moir there, Patrik M^{c}Crotter V^{c}Brebee there, William M^{c}Angus M^{c}Allaster, servitor to the said Johnne M^{c}William Moir, Johnne Stewart, servitor to the said James M^{c}Williame Moir, David Grassiche in Kepache, Johnne M^{c}William Beig in Eister Geanlarge, William M^{c}William Beig, his brother, Ferquhair M^{c}Gibboun in Achelovine, and Allaster M^{c}Comas V^{c}Allaster in Eister Gealarge, and others, all armed. These persons committed a fierce assault upon them, "cuttit thair bow stringis, disairmed and tooke frome thame thair wapponis, tooke and apprehendit the said Williame M^{c}James Moir, caryed him as captive away with thame, and keipit and detenit him as presoner the space of thrie dayis."—The said James M^{c}Donill V^{c}Allester appearing for himself and other pursuers, and defenders not appearing, the Lords order the abovenamed defenders to be denounced rebels. Fol. 28, a.

Caption against the Marquis of Huntly, as cautioner for the Earl of Caithness and Lord Berridale, for debt to Ninian Mac-Morran and others.

Complaint by Niniane M^{c}Morrane, Williame Dick, Johnne Sinclair, Roger Duncansoun, Ronnald Murray, merchant burgesses of Edinburgh, that George, Marquis of Huntlie, as cautioner for George, Earl of Caithnes, and Williame, Lord Berridaill, remains unrelaxed from hornings of 15th, 17th, and 23rd July last for not paying 16,000 merks of principal and 2000 merks of expenses.—The said William Dick appearing for himself and other pursuers, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 28, b.

Decreta Jan.–Nov. 1617.

Caption against the Earl of Argyll for debt, &c., to Lady Luss, relict of Campbell of Ardkinglas.

Complaint by Dame Jeane Hammiltoun, Lady Lus, relict of Sir Johnne Campbell of Ardkinglas, knight, that Archibald, Earl of Ergyle, remains unrelaxed from a horning of 5th November last for not paying the yearly duty of £1000 due at the terms of Whitsunday and Martimas 1614 and 1615 and at Whitsunday last, together with £100 of expenses for each term or £300 in all; also from a horning of same date for not removing from the five merkland of Mekle Ros, the five

Fol. 29, a.

merkland of Litle Ros, the five merkland of Portkill, with tower, fortalice, and pertinents, and the £5 land of the "twa Edinis."—Pursuer appearing by Robert Wallace, servitor to Thomas M^cAwlay, writer to the signet, and defender not appearing, the Lords give order as above.

John Stewart against Andrew Blaikat and others, burgesses of Perth, for assault. Defenders assoilzied.

Complaint by Johnne Stewairt, one of his Majesty's Guard, Patrik Stewart in , and Petir Sandirsoun, burgess of Edinburgh, for his interest, as follows:—The said Petir obtained a warrant for the apprehension of Harie Drummond in Perth, who was at the horn for certain debts, and employed Johnne Stewairt to execute the same. On 7th March instant, the said officer and the said Patrik Stewart went to the burgh of Perth and "layed hold on the said Harie Drummond and had him

Fol. 29, b.

undir thair keiping." Thereupon Andro Blaikat, James Smyth, Johnne Robertsoun, Alexander Inglis, notary, Johnne Inglis, tailor, Johnne Patirsoun, stabler, and Andro Dougall, maltman, burgesses of Perth, all armed, attacked the said officers, put their prisoner to liberty, and thereafter assaulted them with drawn swords.—Pursuers appearing personally, and the said Andro Blaikatt, James Smyth, Alexander Inglis, Johnne Inglis, and Andro Dougall appearing, but the said Johnne Patirsoun not appearing, the Lords assoilzie defenders, because pursuers have failed to prove their charge.

Commissions. Fol. 27, b.

Commission for the apprehension of Adam and James Ross, at the horn for wearing firearms and for assault.

Commission under the Signet, signed by the Chancellor, Tullibardin, Binning, and Sir G. Murray, is given to James, Commendator of Melros, Sir Archibald Murray of Dernehall, knight, Johne Maxwell of Newlandis, James Douglas of Wallis, Alexander Baillie of Callance, William Murray of Romanno, and the Captain and Lieutenant of the Guard or any of his company, to apprehend and exhibit before the Council Adam Ros in Meirburne, and James Ros, his brother, who remain unrelaxed from a horning of 19th February last, at the instance of the Lord Advocate and William Hammiltoun, portioner of Lochved, for not entering their persons within the Tolbooth of Edinburgh for wearing hagbuts and pistoletts and invading the said William for his bodily harm.

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Fol. 88, b.

Edinburgh, 20th March 1617.

Sederunt—Chancellor; Treasurer; Lotheane; Tullibardin; Bishop of Ros; Binning; Burley; Carnegye; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Bruntyland; M^r Peter Rollok; Sir Andro Ker; Sir Williame Alexander.

Proclamation

"Forsamekle as, the Kingis Majesties awne earnest desire, the wisheis of

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against the sale or consumption of wildfowl before the 1st of June next, of partridges before the 1st of July, and of venison before the 10th of May, in order that there may be plenty of such in Scotland when his Majesty arrives with his retinue of Englishmen and strangers.

his goode and loving subjectis, and the necessair affairis of this Esteate haveing invited his Majestie thir mony yeiris bigane to visite this his ancient kingdome, and his Majestie resolveing, God willing, to mak his jorney hither this present sommer and haveing alreddy begun his progres [1], his Majestie wes so muche the more carefull of the credite and reputatioun of this cuntrey, seeing grite nomberis of nobilitie and gentlemen, alsweele of England as strangeairis, will accompany his Majestie, that his Majestie by tua severall proclamationis did verie straitlie prohibite and dishairge the slaughter of ony kynd of wyldefoull or vennisoun in ony pairt of this kingdome, to the effect that strangearis and otheris that ar to accompany his Majestie might persave nor see no penurie nor scant of wyldefoull nor vennisoun during thair aboade heir: And, althoght his Majestie doubtis not bot that all dewtifull and honnest subjectis will haif a tender regaird to his Majesties obedience and to the preceis ob[serva]tioun of his Majesties actis and proclamationis in this poynte, yitt thair [ar] nomberis of other people that, preferring thair awne contentment [and] the delicate feeding of thair bellies to his Majesties obedience, thay do ordinarlie slay, sell, and feede upoun wy[l]defoull and v[ennisoun], and thair greedy appetite is so insatiable that thay will not spare [wyld]foullis when thay ar a-sitting on the eggis, nather will thay [spare] the young ones when thay ar newlie delyverit frome the sche[ll, quhair]throw thair is verie grite appeirance of scairstie of wyldefoull this present yeir, without remeid be providit: Thairfore the [Lordis of] Secreit Counsaill ordanis letteris to be direct to com[mand, charge], and inhibite all and sindrie his Majesties liegeis and subjectis upoun proclamatioun at the mercatt croceis of the heade bu[rrowis of] this realme and otheris placeis neidfull, that nane of thame presoome nor tak upoun hand to slay, sell, buy, nor eate ony [wyldfoull] afoir the first day of Junij nixttocome, nor ony pairtridges [afoir the] first day of Julij nixttocome, nor no other kynd of [wyldfoull], nor vennisoun befoir the tent day of Maij nixttocome, und[er the pane] of ane hundreth pundis to be incurrit be every persone [contravening] the premisis . . salbe Fol. 89, a. tryed be thair . . oathe or be witnesis as accordis of the law; and the havearis of the wyldfoullis and vennisoun sall lykewayes be tryed upoun thair oathe or [be] witnesis fra whome thay ressavit the same. And, whenas the persone or personis contravening ar not responsall nor able to pay the said sowme, thay salbe punist in thair personis by wairding and feeding upoun bread and watter at the arbitrament of his Majesties Counsall. And siclyke to intimate and declair to all and sindrie persone or personis that, whoevir will reveill and showe to his Majesties Counsell or to his Thesaurair or Deputie Thesaurair quhair and be whome ony kynd of wyldefoull or vennisoun is slane, sauld, boght, and eatin aganis the intent and meaneing of this present act and proclamatioun, and will furneis probatioun thairupoun, that not onlie shall

[1] At the date of this Act his Majesty had got as far on his northward progress as to Huntingdon.

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thair names be concealed, bot thay shall haif tuentie pundis of every contraventioun that salbe tryed and decernit be thair meanes. And to command and chairge all and sindrie magistratis to burgh and land, and all justiceis of peace, everyone of thame within thair awne boundis, to haif a speciall cair and regaird that this present act be preceislie keept, and that thay suffer no mercat to be maid nor keept for wyldefoullis, nor nane to be sauld in housis nor sellaris afoir the dayis *respective* foirsaidis, bot that thay appoint searchouris and visitouris to discover and trye whair and be whome thair salbe ony brek of this present act and proclamatioun, as thay will answer to his Majestie and his Counsell upoun the dewtifull dishairge of thair officeis."

Decreta Jan.–Nov. 1617. Fol. 30, a.

[Sederunt as recorded above, but "Sir James Skene" added, and "Sir William Alexander" omitted.][1] Edinburgh, 20th March 1617.

Protest in favour of Patrick Blair of Ardblair and others, charged with illegal capture of John Wishart.

This day appeared Patrik Blair of Ardblair, for himself, and Patrik Blair of Lochtounhill, George Blair, brother-german of the said Patrik, Johne Blair, notary public, and Walter Crokett, messenger, in answer to a charge made by Johnne Wischart in Fettircarne anent their going by night to his house in Fettircarne and keeping him in a chamber there the rest of the night, and also anent their carrying him in the morning to the city of Brechin and "detening him captive in ane prevey house within the said citie all that day."—As the said Johnne Wischart has not appeared, the said Patrik protests that he and the other defenders be not held to answer further to this charge; and the Lords admit the said protest.

Complaint against the Provost and Bailies of Edinburgh by Andrew Hunter, prisoner in the Tolbooth, and under sentence of banishment for assaulting David Hutton.

Complaint by Andro Hunter, skinner, burgess of Edinburgh, as follows: —After the unhappy accident "quhilk fell in the said complenairis hand throughe his invaiding and hurteing of David Huttoun, also skynner, Fol. 30, b. burgess of the said burgh," complainer was sentenced to banishment by the Lords of Privy Council. He is willing to obey the order, but the magistrates of Edinburgh will not put him furth of ward till he find caution that he will never return. Pursuer cannot find a cautioner; moreover, there is no reason why he should be compelled to do so, seeing he is content to underly the pain of death if he return, "and the pane and dainger of his head is a moir suir pane nor ony uther pane quhatsoevir quhilk may be injoynit unto him. And, throw the said complenairis so lang abyding in this waird, he is lyke to sterve for want, he haveing nothing of his awne quhairupoun to interteny him selff, as alsua he haveing ane decrippit wyff, with ane nomber of childrene, who levis be the Fol. 31, a. townis almous." Pursuer being brought from his ward to the Tolbooth, and James Neisbit, bailie, appearing, for himself and Williame Neisbit, provost of Edinburgh, Archibald Adiesoun, Joseph Marjoribankis, and Johnne Fairlie, bailies, the Lords order the said magistrates to "appoint and set ane justice courte, and to bring the said Andro before thame, and

[1] The Sederunt in the *Book of Sederunts* is identical with that in the *Decreta*.

to tak him actit that he sall depairt and pas furth of this realme and nevir returne agane within the same dureing his lyftyme undir the pane of dead. And, he haveing actit him selff, that thay tak him bak agane to his waird and keepe him thair quhill thay find the commoditie of ane schip passing oute of the cuntrey; and that thay put the said Andro in the said schip, and gif directioun to the maister and skipper of the schip that thay set him not a land in na pairt of this kingdome." Decreta Jan.–Nov. 1617. Fol. 31, a.

Andrew Slowman, cordiner in Biggar, against Hew Maxwell and Michael Baillie for assault and mutilation.

Complaint by Andro Slowman, cordiner in the town of Biggar, as follows:—On February last, pursuer, while walking in the said town in sober manner, was attacked by Hew Maxwell, brother of the late Sir William Baillie of Lamyngtoun, assisted by Michaell Baillie in Lamyngtoun, both armed with swords, longstaffs, &c., and so wounded in the left hand that he "is mutilate of his thombe and hurte in the foremest finger." He is "ane mean man haveing no meanis to interteny him selff and his familie bot that quhilk he may procure be his handis laboure."—Pursuer appearing personally, and defenders not appearing, the Lords find the case proved by the testimony of witnesses, and order defenders to enter their persons within the Tolbooth of Edinburgh, and to remain there at their own expenses till further order with them. Fol. 31, b.

Mr. John Book, minister of Kirkliston, and others, against Duncan Campbell, messenger, and others for riotous behaviour in Kirkliston parish the previous Sunday

Complaint by M^r^ Johnne Book, minister at Kirklistoun, Johnne Dundas of Newlistoun, Joseph Douglas of Pumphrestoun, Robert Hammiltoun of Brigis, James Young, portioner of Wenchburgh, bailie of the regality of Kirklistoun, Alexander Inglis of Rottounraw, elders, for themselves and in name of the remaining elders and deacons of the parish kirk of Kirklistoun, and Edward Wilkie, tailor in Kirklistoun, for his interest, as follows:—On Sunday 16th March instant, about 7 o'clock in the morning, Duncane Campbell, messenger, Alexander M^c^Brek, Johnne Manuell, George Johnnstoun, Alexander M^c^Quhen, and Clement Russell, merchant burgess of Edinburgh, all armed, went by command of the said Clement to the town of Kirklistoun, and to the dwelling-house of James Blak near the kirk door, and there, without intimation to the said James Young, bailie, violently apprehended the said James Blak "within his awne house and bed." About an hour thereafter, "the said Duncane Campbell forgaddering with the said James Young, baillie, he gaif the said baillie ane chairge for apprehending the said James Blak, whome he saw already apprehendit in the handis of the personis foirsaidis. Upoun the desyre and chairge of the said messinger the said baillie delyverit the said James Blak to him about sevin houris in the morning to have bene convoyit be him according to his warrand and commissioun, gif he ony had; quhilk he instantlie promeist to have done." Afterwards, the said bailie, elders, and deacons having gone to the kirk "for heiring of the word of God," the said Duncane Campbell and the other defenders drew their swords "within the said house and before the dure thairof," and cruelly assaulted the said Edward Wilkie. "Quhairupoun thair raise ane grite clamoure; at the heiring quhairof the haill gentilmen, parrochynnairis, and minister wer forcit to leive the heiring of the preitcheing, and all Fol. 32, a.

Decreta Jan.–Nov. 1617.

and everie ane of thame ran furth at the kirk dure." The said Duncane was immediately apprehended, and brought before Johnne Dundas of Newlistoun and Joseph Douglas of Pumphrestoun, justices of peace, and was found guilty. He and his accomplices, who have fled away, ought to be punished for this insolence.—Johnne Dundas of Newlistoun and M^r^ Book appearing for pursuers, and the said Clement Russell, Duncane Campbell, and Alexander M^c^Brek also appearing, but the others not

Fol. 32, b.

appearing, the Lords find that the said messenger did "verie fer oversie him selff in the dewtie and chairge of his office, insofer as, he haveing tane and apprehendit the said James Blak and haveing him in his pouer, so that he mycht have peciablie and frielie tane him with him at his pleasoure, he notwithstanding unnecessarlie remanit a long tyme within the toun and gaif occasioun of the trouble quhilk fell oute." They order him to be detained in the Tolbooth of Edinburgh during their pleasure, and to pay 10 merks of a fine to Edward Wilkie for the skaith sustained by him. The Lords assoilzie the other defenders, because pursuers have failed to prove the charges against them.

Prosecution of William Hutton, burgess of Edinburgh, for illegal import of tobacco.

Fol. 33, a.

Complaint by the Lord High Treasurer and the Treasurer-Depute that William Huttoun, burgess of Edinburgh, has contravened the acts anent the importing of tobacco (*ante*, vol. X. p. 516) by inbringing at the port of Leyth a barrel of tobacco, "quhilk is intrometit with be Archibald Prymrois, M^r^ Alexander Andro, and Johnne Foullis, thrie of the takkismen of his Majesteis customes."—Pursuers appearing personally, and the said Archibald Prymrois appearing for the tacksmen, and the said William Huttoun also appearing, and it having been urged by defender that he "gaif directioun to bring home the said tobacco afoir he knew of ony proclamatioun maid in the contrair," the Lords order the said tobacco to be confiscated conform to the acts and proclamations thereanent.

Sederunts. Fol. 8, b.

"Ane warrand in favouris of Frances Keyth anent ane hingand chandler. This warrand delyverit to the Erll of Mar, Thesaurair." Francis Keith.

"Ane commissioun of justiciarie in favouris of M^r^ James Bannatyne." Mr. James Bannatyne.

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[No record of Sederunt.]

Edinburgh, 22nd March 1617.

Renewed Band by Lauchlan Mac-Lean for the due performance of all the terms of his former obligation to the King and Council, with re-specification of those terms.

"The quhilk day in presence of the Lordis of Secrete Counsell compeirit personaly Lauchlane M^c^Clayne of , brother to Hectour M^c^Clayne of Dowart, and actit, band, and oblist him and his airis that he for him selff, and taikand the burdyne on him for Hectour M^c^Clayne, his sone, and for all utheris for whome he is oblist to answer for be the lawis of this realme, sall observe our Soverane Lordis peace, keepe good rewle and quyetnes in the countrie, and that he and thay sall behave thame selffis as lauchfull, ansuerable, and lawbyding subjectis; and that he and his said sone sall compeir personalie befoir the Lordis of Secrete Counsell so oft as he salbe lauchfullie chairgit, upoun thrie scoir dayis warneing at the duelling-hous of Alexander Cwninghame, indueller in Edinburgh, as the domicile presentlie nominat be the said Lauchlane quhairat all chairges

salbe usit and execute aganis him, provyding that a copie of the said charge be delyverit to the said Alexander Cwninghame: and that the said Lauchlane sall not keepe in houshald with him ony mae gentilmen nor twa; and that he sall purge his awne boundis of sornaris and idle men wanting ane tread, calling, and lauchfull industrie; that he nor his said sone sall not beare nor weare hacquebutis nor pistolettis bot in the Kingis service; that he sall tak ordour and gif directioun throughoute his haill boundis that nane of his tennentis nor servandis sall beare or weare hacquebutis or pistolettis bot in the Kingis Majesteis service; that he sall tak the lyk ordour and gif directioun that nane of his tennentis or servandis (exceptand alwis him selff and his sone and the tua servandis allowit unto him) sall weare swordis nor na uther armour nor wapponis within the saidis Yllis; and that he sall mak his residence and duelling at Ardnacros, and that he sall with all convenient diligence repair and build ane civile and comelie hous thair answerable to his rank and estait; that he sall mak policie and planting aboute his said hous; that he sall tak a maynis in laboring and labour the same with his awne goodis, to the effect he may be thairby exercisit and eschew idilnes; and that at Martymes nixt he sall sett the rest of his landis to tennentis for a certane constant and cleir dewtie, and that he sall exact no forder from his tennentis bot the cleir dewtie contenit in thair tak, and, in speciall, that he and his said sone sall foirbeare the taking of cowdichis and presentis from his tennentis, bot sall content him selff with the constant and cleir dewtie for the quhilk his landis ar sett; that he sall not haif nor keepe ony birlingis of xvj or auchtene aires, and, quhen he travellis athort the Yllis and comes on land, that he nor nane of his companie sall not sorne upon the countrie; that he sall send his bairnis being past the age of nyne yeiris to the scooles in the Lawland, to the effect thay maybe instructit to wreate, reid, and speik Inglische; and he is content and consentis that, according to the act of Counsell maid to this effect, that nane salbe servit air to him nor acknawlegit nor ressavit as tennentis to his Majestie unles thay can write, reid, and speik Inglische; and that he sall not run nor suffer no wynes to be run or drukkin in his hous, and that he sall tak a strait ordour in his boundis that nane of his tennentis or servandis sall by or drink ony wynes; and that he and his said sone sall gif thair trew and efauld concurrence to Rorie M^cKenzie of Cogach and sic utheris as sall haif warrand and commissioun from the Lordis of his Majesteis Previe Counsell in the uplifting and gaddering of the maillis, rentis, and dewteis of the landis and possessionis perteneing to the said Hectour M^cClayne of Dowart, his said bruther, to the effect his Majesties maillis and dewteis and the said Hectour his awne debtis may be payit thairwith, and that he sall use his best indevoiris to caus the saidis tennentis mak thankfull payment of thair sindrie dewteis to the said Rorie or utheris haveing commissioun as said is;—under the pane of fyve thousand merkis to be incurrit be him and his said sone *toties quoties* so oft as he or his said sone sall failyee in ony point of the

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premisis ; and farder under the pane of foirfeytour of the haill landis, rowmes, takis, and possessionis quhilkis he hes in the Yllis. *Sic subscribitur:* Lauchlane M^c^Clayne." [Compare *ante*, vol. X. pp. 778–80.]

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Sederunt—Chancellor; Wyntoun; Tullibardine; Bishop of Ros; Binning; Privy Seal; Treasurer-Depute; Clerk of Register; Advocate; Kilsaythe; Medop; Bruntyland; Sir Andro Hammiltoun; Sir James Skeene; Sir Andro Ker; M^r^ Peter Rollock; Sir Williame Alexander. Edinburgh, 25th March 1617.

Charge to the Marquis of Huntly for the immediate performance of his promise to send John Anderson, painter, who works for him at Strathbogie, to attend on the works in progress at Falkland Palace, with charge also to the said John Anderson to be at Falkland for said employment within six days after the charge.

" Forsamekle as, George, Marques of Huntley, at his laitt being in the burgh of Edinburgh, haveing promeist to the Lordis of Secreit Counsall to have send hither Johne Andersone, paynter, who attendis his workis at Strathbogy, to the effect the said Johnne mycht haif bene imployit in his Majesties workis at Falkland, the necessitie of the accomplisheing and perfyteing quhairof is so urgent in respect of the neir approtcheing tyme of his Majesties heircomeing as the same can admitt no delay nor protract[ioun] of tyme, nevertheles the said Johnne Andersone is not as yitt come heir, sua that his Majesteis workis whilkis wer to haif beene committed to his chairge ar lyke to be frustrat and disapointit, heichlie to his Majesties offence and miscontentment, without remeid be providit: Thairfore the Lordis of Secreit Counsall ordanis letteris to be direct chairgeing the said George, Marques of Huntlie, to dimitt the said Johne Andersone fra his worke and service, and to sett him fordwart on his jorney hither within xxiiij houris nixtefter the said chairge, and alsua chairgeing the said Johne Andersone to addresse him self with his workeloomes and otheris necessaris [to his Majesties maister of workis at

Fol. 89, b.

Falkland], to the effect he may be . . . and imployed be him in his Majesteis service, within sex dayis nixtefter the chairge, under the pane of rebellioun and putting of thame to the horne, and, yf thay or ony of thame failyee, the spaceis *respective* foirsaidis being bipast, to denunce the dissobeyairis rebellis, and putt thame to the horne, and to esheit, &c.

Warrant for the payment of £800 to James Durham of Pityarro for provisioning Kinnaird House against the time of his Majesty's abode there.

" Forsamekle as James Durhame of Pityarro is imployit to mak provisioun of sindrie necessaris for his Majesties house and use during his Majesties aboade at Kinnaird: Thairfore the Lordis of Secreit Counsall Commissionaris of his Majesties Rentis ordanis Sir Gedeone Murray of Elibank, knight, Deputie Thesaurair, to advance and delyver to the said James the soume of aucht hundreth pundis usuall money of this kingdome, to be bestowit and imployit be the said James upoun the necessair provisionis foirsaidis maid and to be maid at Kynnaird. Anent the payment of the whilk sowme thir presentis with the said James his acquittance upoun the ressett of the said sowme salbe unto the said Sir Gedeone a warrand."

Report by Home of Renton,

'The quhilk day Alexander Home of Rentoun, convenair of the justiceis of peace within the schirefdome of Berwick, haveing gevin in to

convener of the Justices of Peace for Berwickshire, as to what has been done towards the providing of carriage horses in that shire for his Majesty's use, and remit of the business for further exertion and report.

the Lordis of Secreit Counsall ane reporte and note in write of the nomber of cariage horsis that wilbe gottin in that schirefdome for lifting and caryeing of his Majesties cariage through the same, the saidis Lordis findis that the said note is not sufficient, nouther anent the nomber of horsis mentioned thairin, seeing the saidis Lordis understandis that the said schirefdome may furneis mony ma horsis, nor yitt anent the certantie oute of quhat parrocheis the saidis horsis wilbe had and how mony hors every parroche will furneis: Thairfoir the saidis Lordis ordanis the said Alexander, who wes personallie present, to conveene of new the justiceis of peace to burgh and land within the said schirefdome sa soone as convenientlie may be, and [at] thair meeting that thay mak a particulair distributioun [of the] said schirefdome in parrocheis, appointing some of thair nomber [to] every parroche to try quhat nomber of cairtis and horsis for [the cari]age every parroche may furneis for his Majesteis cariage [at] his Majesties expensis; and that the saidis justiceis, or sam[ony of] thame as shall conveene, appoint a constable in every p[arroche] who salbe answerable that the cairtis and horsis for cariage . . to every parroche salbe in reddines for his Majesties . . whenevir thay salbe adverteist be the other constablis [who sall] haif the chairge to adverteis thame; and that thay ap[point within] the said schirefdome tua constablis who salbe ansuerable [to the] maister of his Majesties cariage that thay sall caus the . . constablis appointit in everye parroche haif the haill [cairtis] and horsis for cariage designit to the parroche in red[dines], and that thay sall come and lift his Majesties cariage . . . . and place as thay salbe [adverteist]; and that the said convenair mak his reporte of his proceidingis in this bussynes, as alsua what thay haif done anent the hiewayes and passageis in the said schirefdome, to the saidis Lordis upoun the xvj day of Aprile nixttocome." Acta Mar. 1615–Aug. 1617. Fol. 90, a.

Charge to the Bailie of Lauderdale and his deputes, and to the Sheriff of Roxburgh and his deputes for East Teviotdale, to convene the barons and landed gentlemen within their bounds at Duns on the 9th of April next, there to meet the Justices of Peace and barons and gentlemen of Berwickshire, and to concur with them in exact and complete

"Forsamekle as, amongis the mony preparationis whilkis ar now in handis and mon be tymouslie foirseene and in reddines agane the tyme of his Majesties heircomeing, that of his Majesties cariage is not the least, bot doeth as neirlie concerne his Majesties honnour and service and the credite of the cuntrey as ony other service that will occur in all his Majesties progres throughoute this cuntrey; and whereas commissioun wes gevin to the justiceis of peace of the schirefdome of Beruick to haif tane particulair notice of the haill cairtis and horsis for cariage within that schirefdome and within every parroche of the same, and to haif tane some course and ordour how thay might haif bene in reddines in dew tyme at Beruik for lifting of his Majesties cariage thair and caryeing the same thairfra through the said shyre; and, the saidis justiceis of peace haveing maid thair reporte heirupoun to the saidis Lordis,—it is fund be the saidis Lordis that the nomber of horsis gevin up be the saidis justiceis of peace will not serve for caryeing the half of his Majesties cariage, sua that of necessitie the inhabitantis within the baillerie of Lauderdaill and within Eist Teviodaill mon joyne with these of the schirefdome of Beruik

Acta Mar. 1615 –Aug. 1617.

and concurr with thame in this bussynes, quhilk concernis so heichlie his Majesties honnour and contentment and the credite and reputatioun of the cuntrey: Thairfore the Lordis of Secreit Counsall ordanis letteris to be direct chairgeing the baillie principall of Lauderdaill and his deputis for the baillerie of Lauderdaill, and the schireff of Roxburgh and his deputis for the Eist pairt of Teviodaill, that thay and everyone of thame conveene the baronis and landit gentlemen within thair boundis and officeis foirsaidis at the toun of Duns upoun the nynt day of Aprile nixttocome, quhair the justiceis of peace and the baronis and gentlemen of the schirefdome of Beruik will conveene and meete with thame, and that thair thay resolve and conclude upoun some certane, solide, and suire course how his Majesties cariage may be lifted at Beruik and caryed thairfra to Dunglas upoun his Majesties chairges and expensis, designing in particulair what nomber of cairtis and horsis for cariage every parroche within the saidis boundis will furneis and sett oute to this effect; and that thay appoint ane or tua constablis in everye parroche who salbe ansuerable to haif the nomber of horsse designit to every parroche in reddines at the toun of Beruick to lift his Majesties cariage at suche day as salbe appointit unto thame; and that the said baillie of Lauderdaill and the baronis and gentlemen of that baillerie, and that the said schireff of Roxburgh and the baronis and gentlemen of Eist Teviodaill, appoint everyone of thame tua constablis for thair saidis boundis who salbe ansuerable to the maister of his Majesties cariage that the otheris constablis appointit for every parroche sall haif the nomber of cairtis and horse designit for the parroche in reddines at Beruick the tyme foirsaid; and that the said baillie and schireff and thair deputis conveene the baronis and gentilmen foirsaidis within the boundis at the said toun of Duns the day foirsaid to the effect abonewrittin, under the pane of rebellioun, &c., with certificatioun, &c."

arrangements for provision of horses and carts for the carriage of his Majesty's effects from Berwick to Dunglas.

Fol. 90, b.

"Forsamekle as, the Lordis of Secreit Counsaill haveing tane some cours and ordour for repairing and enlairgeing of the wayes and passageis by quhilkis the Kingis Majestie will travell in his progres throughout this cuntrey and for making the same passible so far as convenientlie may be for coitcheis and cairtis; and whereas these who had the chairge of this bussynes hes maid thair reportis of thair diligence unto the saidis Lordis, [and] it is reportit be thame who had the chairge of the way betuix Drumfreis and Carlile that thair is ane peece of this way at the watter of Lochir quhilk is not passible for coitcheis nor cairtis, and that in tyme of storme and rayne it can not be riddin, and that thair can be no passage that way unles thair be ane brig of stone biggit over the said watter whilk will consist of tua or three bowis, and that the people duelland thairaboute hes not the meanes to big the said brig, and that thair is no other likliehoode how the said brig salbe biggit bot by some contributioun and dewytie to be upliftit for some certane yeiris of the personis and goodis that passis that way: and seeing Sir James Murray of Cokpoole hes undertane to big the said brig upoun his awne proper

Grant to Sir James Murray of Cockpool, and his heirs and successors, for twenty one years, of a toll on passengers and goods at a particular point of the Water of Lochar, in consideration of the undertaking by Sir James to have a bridge built at that point (where there is no passage for coaches and carts at present) against the time of his Majesty's being in that

part of the country.

chairges and expensis, and to haif the same perfytit and passible for coitcheis and cairtis agane the tyme that his Majestie, God willing, will come to that pairt of the cuntrey and go that way: Thairfore, and in consideratioun of the chairges and expensis that the said Sir James is to bestow upoun this worke, quhilk is so necessair for the Kingis Majesties sure and saulff passage, [and] proffitable for the haill liegies of the cuntrey travelling that way, the Lordis of Secreit Counsall hes gevin and grantit, and be the tennour of this present act gevis and grantis, to the said Sir James, and to his airis and successoris to him in the landis and leving of Cokpoole, the impoist and dewtie following, to be mellit with and upliftit be thame, for the space of tuentie ane yeiris efter the dait heirof, of all passingeris and goodis that sall pas and corse the w[attir] of Lochour at that pairt and place quhair the said brig is to be biggit [or] at the foorde nixt adjacent thairto and within the boundis of ane . . . . to the said brig,—that is to say, of everie futeman tua [pennyis], of everie horseman sax pennyis, of everie single horse, kow, or ox . . pennyis, of everie horselaide of quhatsomevir commodityis, wairis, m[ear]cheandice aucht pennyis, and for everie loadnit cairt drawne w[ith horse] sax pennyis of everie horse within the cairt, and of everie ten she[ip] . . pennyis money of this realme, with power to the said Sir James [and his] foirsaidis and to thair collectouris and deputis in thair names, haveing thair warrand and commissioun, to ask, crave, ressave, intromett [with, and] uplift the impoist and dewytie abone-writtin during the yeiris . . foirsaidis of all passingeris and goodis that sall corse the w[attir of Lochir at] the pairtis abonespecifeit, and all thingis necessair for uplifting of [the said] dewytie to do and use quhilkis in the lyke caises ar usuall and [customair], firme and stable halding and for to holde all and quhatsomevir [thay] sall lauchfullie do heirin."

Acta Mar. 1615–Aug. 1617.

Edinburgh, 25th March 1617.

[Sederunt as recorded above.]

Decreta Jan.–Nov. 1617. Fol. 33, b.

Caption against Sir John Bruce of Airth for debt to Baillie of Letham and others.

Complaint by Johnne Baillie of Lethame, Williame Dick and Thomas Hunter, merchant burgesses of Edinburgh, that Sir Johnne Bruce of Airth, knight, remains unrelaxed from a horning of 11th November last for not paying to the said Johnne Baillie 598 merks of principal and £50 of expenses; also from a horning of same date for not paying to the said William Dick and Thomas Hunter £5010 of principal and 1000 merks of expenses.—Johnne Bailie appearing for himself and other pursuers, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Report from four shires anent horses and carts.

"The quhilk day the justiceis of peace of Hadingtoun, Beruik, Edinburgh, and Lynlithqw maid thair reporte anent his Majesteis cariage."

Sederunts. Fol. 9, a.

Day assigned to the conveners of the Justices of

"The Lordis assigned to the Goodeman of Rentoun, convenair of the justiceis of peace for Beruik, and to Sir Johnne Home of North Beruik, convenair of the justiceis of peace for the Constabularie of Haddingtoun,

Sederunts.

to mak a new reporte upoun the xvj day of Aprile nixt,—viz., Sir Johnne Home to reporte the names of the constablis in every parroche, and the tua constablis for the haill Constabularye; and the Goodeman of Rentoun to augment the nomber of the cariage horse for the schirefdome of Beruik, and to condiscend in particulair the nomber of horse to be furnist be every parroche, the names of the constablis for the parroche and tua constablis for the haill shyre, and that he mak reporte the day foirsaid anent the wayes and passages." (Cf. entry in the *Acta*.)

Peace for Berwickshire and Haddington for their reports as to provision of horses and carts in those shires.

"The quhilk day David Aikinheade, Deane of Gild of Edinburgh, and Mr Johnne Hay, Clerk-Depute of that toun, tooke the first of May nixt to mak reporte anent Glengarnokis patent delyverit to thame."

Anent the Laird of Glengarnock's patent.

Acta Mar. 1615–Aug. 1617.

Fol. 91, a.

Sederunt—Chancellor; Lotheane; Tullibardine; Bishop of Ros; Binning; Carnegie; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Bruntyland; Sir James Skeene]; Mr Petir [Rollok]; Sir [Andro Ker]; Sir Williame [Alexander].

Edinburgh, 27th March 1617.

This day the Lords accept the following band of Sir James Murray of Cokpoole anent the bridge over the Lochir (*ante*, p. 77), which band the said Sir James presented personally.—"Be it kend till all men be thir present letteris, me, Sir James Murray of Cokpoole, forsamekle as the Lordis of Secreit Counsall hes gevin ane commissioun and warrand to me and my airis for the space of twentie ane yeiris to uplift ane certane impoist and dewitie of all passingeris and goodis corseing the watter of Lochour at the pairt quhair I haif undertane to big ane brig of stone upoun the said watter: Thairfore I bind and obleis me and my airis that betuix the day and daite heirof and the first day of August nixttocome I sall big and caus be biggit ane sufficient brig of stone upoun the watter of Lochour at that pairt thairof callit the Bank End Miln, and sall haif the said brig perfytit and finist and passable for coitcheis and cairtis, sua that the Kingis Majestie at his comeing to that cuntrey, God willing, in the moneth of August nixt, may haif ane saulff and sure passage at the said brig. And heirto I obleis me and my foirsaidis; and for the more securitie I am content that thir presentis be registrat in the bookis of Secreit Counsall, that executioun may pas thairupoun in forme as effeiris. In witnes quhairof I haif subscryvit thir presentis with my hand, at Edinburgh, the xxvij day of Marche the yeir of God jm vjc and sevinteene yeiris, befoir thir witnesis, James Prymrois, Clerk of his Majesties Previe Counsaill, Mr Gilbert Prymrois, his sone, Laurence Keir and Alexander Wylie, his servitoris. *Sic subscribitur:* Sir James Murray of Cokpoole; J. Prymrois, witnes, Mr G. Prymrois, witnes, Laurence Keir, witnes, Alexander Wylie, witnes."

Band by Sir James Murray of Cockpool for the due performance of his engagement to build a bridge at a particular point of Lochar Water, and to have it ready, and passable for coaches and carts, by the time of his Majesty's being in those parts.

Act ordering the Treasurer-Depute to pay £10,000 to Sir Henrye Wardlaw towards the works at Haliruidhous, Striviling, and Falkland. (Cf. entry *ante*, p. 64.)

Warrant to pay £10,000 to Sir Henry Wardlaw.

"Whereas the Kingis most excellent Majestie, by his letter and

Warrant to the

Tacksmen of the Customs for the payment of £10,000 on the 1st of November next to Robert Hay, groom of his Majesty's bed-chamber.

warrand directit to Sir Gedeone Murray, knight, Deputie Thesaurair of this his Hienes kingdome of Scotland, of the daite 'At Greinwitch the eight day of Junij 1616,' did ordane the said Sir Gedeone to content and pay to his Majesteis welbelovit servant Robert Hay, groome of his Majesties bedchalmer, or to his [assignayis], of the soume of [ten] thowsand pundis money of this kingdome, being ane] pairt of . . . . . his Majesties customes or reddiest dewyteis and casualityis of this his said kingdome, as in his Heines said letter and warrand at more lenth is contenit; in pairt of payment of quhilk sowme Johnne, Erll of Mar, Lord Erskene and Garioche, Lord Heich Thesaurair of this kingdome and Comptroller of the same, and the said Sir Gedeone Murray, knight, Thesaurair and Comptroller Depute, with avise and consent of the Lordis and otheris in commissioun for manageing of his Majesties Rentis, assigneis to the said Robert Hay the sowme of ten thowsand pundis money of this kingdome to be payit to him or his assigneis oute of the first and reddiest payment of the sowme of threttie five thowsand pundis covenanted to be payit to his Majestie upoun the first day of November nixttocome be the takkismen of his Hienes customes and impoist of wynes, for the last termes payment of this yeares rentt and dewtie addebtit by thame to his Majestie for the saidis customes and impoist, and ordanis and commandis the saidis takkismen to give present securitie to the said Robert Hay or his assigneyis in his name for payment unto him of the said sowme of ten thowsand pundis money foirsaid at the said first day of November nixttocome. Quhilk sowme salbe thankfullie allowit unto thame of a pairt of the foirsaid sowme of threttie fyve thowsand pundis, thay keepand the double heirof authenticklie extractit and subscryvit be the Clerk of the Previe Counsall, with the acquittance of the said Robert Hay or his assigney, for thair warrand." Acta Mar. 1615 –Aug. 1617. Fol. 91, b.

Edinburgh, 27th March 1617.

[Sederunt as recorded above.] Decreta Jan.–Nov. 1617. Fol. 34, a.

Menzies of that Ilk against Archibald M'Condoquhy, M'Allaster, M'Gregour, and others, for violence and theft.

Complaint by Alexander Menzeis of that Ilk, as follows:—On 8th August last, Archibald M^cCondoquhy M^cAllaster M^cGregour, Allane M^cIntaich *alias* Campbell in Innerlochie, Allane M^cEane Duy Tarliche, and Ewne M^cAllane *alias* Camroun, with a number of armed accomplices, went to pursuer's town and lands of Ardlarich and slew a mart and nine sheep. Thereafter they entered the tenant's house, "seasit upoun the haill butter, cheis, insicht, and plenischeing," and took the whole away.—Pursuer appearing by Duncane Menzeis of Comrie, and the said Archibald not appearing, the Lords order defender to be denounced rebel.

Protest in favour of Robert Grierson, younger of Lag, and James Douglas of Mouswald, charged with assault.

This day appeared Robert Greirsoun, younger of Lag, and James Douglas of Mowsell, in answer to a charge, at the instance of Robert Maxwell of Dinwoddie, and Johnne Wilsoun in Barnedannoche, his servitor, anent their lying await on January last on the lands of Barnedannoch for the said Robert in order to slay him, and anent an assault committed on the said servitor, whom they had met after having Fol. 34, b.

Decreta Jan. Nov. 1617.

missed his master.—Pursuers not appearing, defenders protest that they shall not be held to answer further to this charge; which protest the Lords admit.

James Watson against John Watson and John Hill for assault.

Complaint by James Watsoun in Roddinghill, as follows :—On April 1616, Johnne Watsoun in Barnehill and Johnne Hill there committed a most fierce assault with drawn swords on pursuer in the dwelling-house of James Harvie, burgess and indweller in Hammiltoun. In the evening the said persons lay in wait for pursuer as he repassed from the town of Hammiltoun to his own house and renewed their barbarous
Fol. 35, a. conduct. They so wounded him in the left hand that "be all appeirance he wilbe mutilat thairof."—Pursuer and defenders being present, "it wes answerit be the said Johnne Watsoun that, he being invaidit and persewit of his lyff and hurte and woundit in the face and lug be the said James Watsoun the day libellit within the territorie of the burgh of Hammiltoun, and the said James being callit and convenit thairfore before the bailleis of Hammiltoun, and haveing confest the deid, he wes thairfore decernit be the saidis baillis in ane blood and to mak satisfactioun to the said Johnne Watsoun at the sicht of the bailleis; and, seing he had not gottin satisfactioun, that thairfore he convenit the said James before the saidis Lordis upoun the day of Marche instant; and that, the said James being callit and standing at the Counsalhouse dure, he in contempt of the saidis Lordis depairtit and past away: for the quhilk his contempt letteris of horning wer decernit to be direct aganis him [*ante*, p. 63]. And that now, be way of reconventioun, he had maid this complaint upoun the said Johnne Watsoun, althocht the said complaint in that pairt thairof tuitcheing the persute and invasioun, hurteing and wounding, of the said James in the left hand the day libellit wes tryit before the saidis bailleis of Hammiltoun and confest be the said Johne
Fol. 35, b. Hill in thair audience." Defender produced two rolments of the burgh court of Hammiltoun, under the subscription of William Lowdoun, clerk, the one bearing the conviction of the said Johnne Hill for hurting James Watsoun, the other bearing the conviction of the said James upon his own confession of hurting the said Johnne Watsoun. The Lords remit the question of satisfaction (*a*) by Johnne Hill to James Watsoun and (*b*) by James Watsoun to Johnne Watsoun, to the bailies of Hammiltoun.

Suspension of horning against the said James Watson.

Complaint by the foresaid James Watsoun in Roddinghill that he has been put to the horn wrongously, at the instance of Johnne Watsoun in Barnehill, for not appearing on the day referred to in the preceding entry to answer to the charge of assault. He pleads that he was not lawfully cited, but had found caution for 300 merks to appear this day.—Both parties appearing, the Lords suspend the process.

Caption against Ross of Balnagown for debt to Mr. Archibald Moncrieff, minister of Abernethy, and his son.

Complaint by M^r^ Archibald Moncreiff, minister at Abirnethie, and Moncreif, his second son, that David Ros of Balnagowne remains unrelaxed from a horning of 26th October last for not paying £448, being pursuer's share of the feu-mails of the lands of the Abbey of Ferne, called the barony of Ganeis, due for the terms of Martimas 1614, Whitsunday

and Martimas 1615, and Whitsunday last.—Pursuers appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Decreta Jan.–Nov. 1617. Fol. 36, a.

Commission to Livingston of Kilsyth for the trial of William Hunter for murder.

Commission under the Signet, signed by the Chancellor, Binning, George Hay, Sir G. Murray, Sir W. Oliphant, and Sir W. Alexander, is given to Sir William Levingstoun of Kilsyith to apprehend and try Williame Huntair, smith in Banloche (?), who cruelly murdered Drummond, "ane poore decrepit woman," hard by his own gate, and who, after being fugitive for some time, has returned to his house, and "remanis als publictlie and avowedlie thair as yf no suche foull and unworthie turne had fallin oute in his persone." Commissions. Fol. 28, a.

"A recommendatioun in favouris of Johnne Nortoun (?) and his complices tane be the Turkis." Sederunts. Fol. 9, a.

Captives with the Turks.

"A proclamatioun anent suitis."

Suits.

"Reporte maid be the justiceis of peace in Angus, Perth, and Fyff anent the cariage; and Bogy promeist to send ane perfyte reporte heir in dew tyme."

Angus, Perthshire, and Fifeshire.

Edinburgh, 29th March 1617.

Sederunt—Chancellor; Binning; Clerk of Register; Advocate. Acta Mar. 1615–Aug. 1617.

Charge to the magistrates of certain burghs and towns anent the number of oxen, &c., which these burghs and towns have respectively undertaken to feed and keep ready for the use of his Majesty's household.

"Forsamekle as the magistratis of the burrowis and townis under[writtin] hes undertane and promeist to the Lordis of Secreit Counsall [to haif] within thair saidis townis the nomber of fed oxin underwrittin fed and in reddines to be sauld to his Majesties officeris [at reasounable] pryceis agane the tyme of his Majesties heircomeing,—that is [to say, the] burgh of Perth sax scoir fed nolt, the burgh of . . . fed nolt, the burgh of Striviling fourty fed [nolt], . . . tuentie veillis, the citie of Glasgow three hundreth fed nolt, [the] citie of St. Andros threscoir fed nolt, the burgh of Couper . . tuentie four fed nolt, the toun of Alloway . . fed nolt, [the] burgh of Culrois ten fed nolt, the burgh of . . . [fed] nolt, saxteene ky, and tuelff young oxin, the burgh of . . ten fed nolt, the burgh of Dysart tuelff [fed nolt, the burgh of Pit]tenweyme ten fed nolt, the burgh of Anstruther [Wester] . . . [fed nolt], the burgh of Anstruther Eister tuelff fed nolt, . . . threttie sax fed nolt, the citie of Brechine . . ., [the] burgh of Forfair tuentie fed nolt, the toune of . . . nolt, the burgh of Lynlithqw tuentie . . ., . young oxin, the toun of Dalkeyth tuentie fed [nolt], [the toune] of Mussilburgh tuelff fed nolt, and the toun of . . . . . Fol. 91, b.

. . . . . [*seven lines illegible*] . . . . . his Majesties house . .: Thairfore the Lordis of Secreit Counsaill ordanis letteris to be direct to . . . [prov]estis and baillies of burrowis, cities, and townis . . . and the justiceis of peace within the said schirefdome of . . that thay and every ane of thame within thair awne boundis and [limittis] . . . nomber of bestiall and Fol. 92, a.

Acta Mar. 1615 –Aug. 1617.

goodis undertane [and promeist] be thame be weele [fed], reservit, and keept unsauld [nor] disponit upoun or putt away quhill the aucht day of [Julij] nixttocome, at quhilk tyme his Majesties awne servandis and flesheouris,—to witt, [Johne] . . . soun and Williame Thomesoun, or thair servandis haveing power and com[missioun] frome thame,—sall come and aggree with the awnaris of the saidis bestiall . . . thame goode and reasounable pryceis and tymous and thankfull payme[nt for the sa]me, and that the nomber of bestiall . . . undertane and promeist . . . the grittest and . . . thair . . . tounis and boundis thame . . . [upoun] thair heighest perrell."

Sederunts. Fol. 9, b.

"Ane act anent certane personis that transporte silver."

Silver.

Commissions. Fol. 28, b.

Dispensation addressed to the sheriffs of Aberdeene, Forfar, Perth, and Fyff, and the Stewards of Fyff and Stratherne, in favour of Johne, now Earl of Kingorne, Lord Lyoun and Glames, &c., ordering that he be served heir to his deceased father Patrik, Earl of Kingorne, and his late "guidsir" Johne, Lord Glames, despite his minority, without prejudice to the Royal rights. Given under the Signet at Edinburgh on 31st March 1617. *Sic subscribitur:* , Binning, Oliphant, George Hay, Sir G. Murray.

Edinburgh, 31st March 1617. Dispensation of minority to the new Earl of Kinghorn.

Book of Processes.

The *Minute Book of Processes* gives the following memoranda collectively for the month of March 1617:— March 1617.

Rebellion: Charles Maxwell against Thomas Jonstoun.

Rebellioun: George Livingstoun against Lord Hereis.

Letteris: Johne Harringtoun against Williame Blair, &c., for delyverie of ane horse stollen fra the persewer found to be in the defenderis handis.

Ryott: Magistratis of Breichen against William Murray.

Rebellion: James Hamiltoun against Margaret Lindsey.

Rebellion: Johne Rayning against Lord Torthorwald.

Act discharging all persones to pluk the wooll of the sheip, bot to clip the same,—under the paine of 4s. for ilk sheip.

Hamsuken and oppressioun: Johne Hay against Mr Johne Nicolsone.

Suspension: Peter Murray against Hary Smeitoun.

Rebellioun: Mr John Halliday against Mark Swintoun.

Petition: James Midltoun to be putt to liberty.

Letteris against Lord Halliruidhouse to repair the Watter Yett, &c.

Warrand to the Thesaurair to pay James Baylie 10000 lib. for furnishing to his Majestie.

Imprisonment: Johne Scott against the Baylies of Perth.

Act ordaining Capitane Murray to transport his Majesteis tapestry and utheris from London to Scotland.

Ryott: Johne Watsone against James Watsone.

Ryott: James Mitchell against James Bengye.

Rebellion: Hoom of Rentoun against Hoom of Kello.

Proces for destroying of planting: Douglas of Glenbervy against Watsone and utheris. Book of Processes.

Rebellioun: Andro Ker against Lord Hereis.

Oppression: Johne Hoome against Thomas Loury.

Act prohibiting muirburne after the moneth of March.

Act ordaining Thomas Robisone and otheris, wrichtis and measons in St. Androis, to come to Halliruidhouse for repairing thairof.

Warrand to the Thesaurair to pay 5000 ℔. to Sir Hendry Wardlaw to be given to the workemen at Halliruidhouse, Falkland, &c.

Deforcment: Johne Stewart, one of the Guard, against Andro Blakatt.

Imprisonment: Allaster M^{c}Donald VicAllaster against Johne M^{c}William Voir, &c.

Rebellioun: Ninian M^{c}Morran against Marquis of Huntly.

Act ratifieing ane contract betuixt the Thesaurair and Mathew Guidrek for painting his Majesteis chamberis at Hallirudhous.

Rebellioun: Dam Jean Hamiltoun against Earle Argyle.

Supplicatione: Earle of Cathnes to prorogat his protection.

Ryott: Johne Wishart against Patrik Blair.

Bill: Thesaurair against William Hutton for importing tobbacco.

Ryott: Andro Slowman against Hew Maxwell.

Dispensation to the Thesaurair to eat flesh in Lent.

Petition: Andro Huntar to be putt to liberty.

Ryott: Minister and elderis of Kirklistoun against Duncan Campbell, &c.

Protestation: Johne Blair against Johne Wishart.

Act prohibiting all persones from killing wyldfoull for a certane space.

Warrand to the Thesaurair to pay 800 ℔. to Durham of Pittarro.

Act ordaning letteris to charge Marquis of Huntly to dimitt Andersone, painter, that he may attend his Majesteis service.

Act ordaining the justiceis of peace of Beruik and Lauderdale to provyd horses for his Majesteis cariag fra Berwik.

Petition: Maxwell [Murray?] of Cokpooll craving ane impost for building the bridg of Lochour.

Rebellioun: Johne Baylie, &c. against Sir Johne Bruce, &c.

Suspensione: James Watson against Johne Watsone.

Rebellion: Alexander Primrose against Earle of Hoom.

Ryott: James Watsone against Johne Watsone.

Oppression: Alexander Menzes against Archibald M^{c}Condochy.

Protestatione: Gilbert Greirson against Robert Maxwell.

Warrand to the Thesaurair to pay 10,000 ℔. to Sir Hendry Wardlaw.

Warrand for Robert Hay, groom of his Majesteis bedchamber, for uplifting of 10,000 ℔. out of the readiest of the impost of wynes.

Band be Sir James Murray to big the bridg of Leuchgo.

Rebellion: M^{r} Archibald Moncreiff against David Rosse.

Ryott and imprisonment: James Mershell against Laurenc Achesone, &c.

Book of Processes.

Letteris: Laird of Polmais against justices of peace of Stirling for refusing to conveen and prepar horses and cartes for his Majesteis cariage.

Letteris: Gilbert Robisone against the baylies of Perth for permitting David Lyll to escap out of prisone, who wes incarcerat for murther of Johne Robertsone."

Acta Mar. 1615 –Aug. 1617. Fol. 92, a.

Sederunt—Chancellor; Treasurer; Tullibardine; Binning; Clerk of Register; Advocate; Sir Andro Ker. Edinburgh, 3rd April 1617.

Further order as to the provision of horses and carts in Stirlingshire.

"The Lordis of Secreit Counsall haveing hard and considderit the reporte maid be the justiceis of peace within the schirefdome of Striviling anent the mater of his Majesties cariage recommendit unto thame, the saidis Lordis findis the reporte foirsaid to be insufficient and uncertane; and thairfore the saidis Lordis ordanis Johne Murray of Touchadame, convenair of . . . , [to convene?] the saidis justiceis of peace to burgh and land within the said schirefdome, sa soone as convenientlie may be, and at thair meiting that thay mak a particulair distributioun of the said schirefdome in parrocheis, appointing some of thair nomber for everie parroche to trye quhat nomber of cairtis and horsse for cariage every parroche may furneis for his Majesties cariage through the said schirefdome upoun his Majesties e[xpensis]; and that the said justiceis, or samony of thame as salbe present, appoint a constable for everye parroche who salbe answerable that the cairtis and horsse for cariage designit to every parroche salbe in reddines for his Majesties service whensoevir thay salbe adverteist be the other constablis who sall haif the chairge to adverteis thame; and that thay appoint within the said schirefdome tua constablis who salbe ansuerable to the maister of his Majesteis cariage that thay sall caus the other constablis appointit in every parroche haif the haill cairtis and horsse for cariage designit to the paroche in reddynes to come and lift his Majesties cariage; . . . . . .

Fol. 92, b.

[the reporte of] his proceidingis in this bussynes [upoun the xvj] day of Aprile instant."

Isles. Page 228.

Commission to Rory Mac-Kenzie of Coigach of justiciary and general rule over the lands and islands of Mull, Morven, and Tiree, in the property of which he has been infefted instead of Hector Mac-Lean of Duart.

"Forsamekle as the Kingis Majestie, with advise of the Lordis of his Secreit Counsaill Commissioneris of his Majesties Rentis, hes upoun divers goode respectis and considerationis past and exped ane infeftment and otheris securyties, rightis, and titles of the landis and ilis of Mull, Morverne, and Terey, whilkis formarlie pertenit to Hectour M^{c}Clayne of Dowart, unto Rorye M^{c}Kanyee of Cogaiche and his airis, sua that now the right of the same landis and ilis is establisheit in the persone of the said Rorye, and he thairby must be ansuerable for the haill inhabitantis of the same and mak thame to be obedient to law, ordour, and justice; and the Lordis of Secreit Counsall understanding perfytlie that it wilbe a mater verie hard and difficile for the said Rorye to reclayme the saidis inhabitantis fra these barbarous, rude, incivile, and godles formes whairin thay haif levit thir mony yeiris bigane and to reduce thame to civilite

and ordour and obedience, unles he be authorized with warrand, auctoritie, and commissioun to that effect,—seing the iniquitie of the tyme past and the sluggishe behaviour and cariage of these to whose chairge and cair the retening and halding of the saidis boundis in obedience formarlie apperteyned hes maid all kynd of vice and impietie to be commoun and ordinair within the same, withoute reverence of the law or feir of punishement, to the offence and displeasour of God, contempt of our Soverane Lord, and misregaird of law and justice; and the saidis Lordis understanding the goode dispositioun and inclinatioun of the said Rorye, and how that he is most willing to bestow his panes, travellis, and best endevoiris to establishe religioun, peace, justice, and quietnes within the saidis boundis: Thairfoir his Majestie, with advise of the Lordis of his Secreit Counsall, hes maid and constitute, and be vertew of this present act makis and constitutis, the said Rorye our Soverane Lordis commissioner and justice in that pairt over and within the haill boundis of Morverne, Mull, and Terey, and otheris landis, yllis, and roomes contenit in the infeftmentis and securityis foirsaidis past and exped unto him to the effect underwrittin; gevand, grantand, and committand to him full power and commissioun, expres bidding and chairge, to resoirt and repair to the saidis boundis, accompanyed with such power and forceis of his Majesteis goode subjectis as he shall think meete for his convoy and suirtie, how soone and so oft as he sall think goode, and to conveene the haill inhabitantis within the same boundis befoir him at suche particulair dayes, tymes, and places as he pleis appoint, and to mak, prescryve, and sett doun actis and ordinanceis amangis thame how and by what meanes the formair barbaritie, incivilitie, and impietie within the saidis boundis may be abolisheit, supprest, and extinguisheit, and religioun, peace, justice, and civilitie restorit, establisheit, fosterit, and mantenit within the same, and to caus the saidis actis ressave executioun accordinglie; all and sindrie personis within the saidis boundis who sal happin to committ murthour, slaughter, mutilatioun, thift and ressett of thift, soirning, oppin and violent oppressioun, or ony other cryme punishable be lyffe or member (being alwayes under the degree of treassoun) to searche, seik, tak, apprehend, and committ to waird quhill justice be ministrat upoun thame conforme to the lawis of this realme; and for this effect justice courtis at quhatsomevir placeis convenient to sett, begin, affix, holde, and continew:" &c., with the customary clauses granting full power to pursue rebels, and dispensing with all responsibility for disaster during the execution of the commission. The commission is to last for one year.

Isles. Page 229.

Edinburgh, 3rd April 1617.

[Sederunt as recorded above.]

Decreta Jan.–Nov. 1617. Fol. 36, b.

Caption against George Stewart of Baltersane and John Maxwell of Mureith

Complaint by James Dalzell, merchant burgess of Edinburgh, that George Stewart of Baltersane remains unrelaxed from a horning of 7th August 1615 for not keeping a certain contract, and especially for not paying 400 merks of principal and the "byroun annuellis thairof restand

Fol. 37, b.

Decreta Jan.-Nov. 1617.

awand"; and also that Johnne Maxwell of Mureith remains unrelaxed from a horning of 1st March last for not paying £313, 15s. of principal and £40 of expenses.—Pursuer appearing by Petir Algeo, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. for debt to James Dalzell.

Fol. 37, b.

Complaint by Mathew Davie, burgess of Edinburgh, assignee of George Ros, portioner of Kindeis, that David Ros of Balnagowne remains unrelaxed from a horning of 4th July last for not paying £6 for each of 60 bolls of bere of the crop of 1611, and £8 for each boll of 5 chalders 2 bolls of "cheritit beir" of the crop of 1604, together with 50 merks money.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard as above. Caption against Ross of Balnagown for debt to Mathew Davie.

Commissions. Fol. 29, a.

Licence is given to Alexander, Lord of Spynie, to go abroad and remain for three years without skaith to his person, lands, and goods, provided he behave as a loyal subject during his absence. Given under the Signet, and signed by the Chancellor, Sanct Androis, and Binning. Licence to Lord Spynie to go abroad.

Licence in similar terms to David Hoome of Wedderburne, given under the Signet and signed by the Chancellor, Mar, Tullibardine, Binning, George Hay, and Oliphant. Same to Home of Wedderburn.

Sederunts. Fol. 9, b.

"Missives to the Lairdis of Keir, Mushett, and David Halden for this same mater of the cariage" [*ante*, p. 83]. Business of horses and carts.

"Missive to Sir Robert Melvill to mak his house of Bruntyland patent for his Majesteis ressett." Sir Robert Melville's house of Burntisland.

"That it be rememberit the nixt Counsaill day yf ony directioun shalbe send to the Erll of Hoome anent his Majesteis comeing to Dunglas." Earl of Home.

Acta Mar. 1615-Aug. 1617. Fol. 92, b.

Sederunt—Chancellor; Mar, Treasurer; Binning; Treasurer-Depute; Clerk of Register; Advocate. Haliruidhous, 11th April 1617.

Warrant to the Treasurer-Depute to pay £1200 between this date and Whitsunday to James Murray, Master of Works, for his "extraordinair chairges and expensis" during the past year, and "to be sustenit be him in attendance upoun the saidis workis during his Majesties aboade in this kingdome and quhill his Majesties depairting and away passing." Warrant to pay £1200 to the Master of Works.

"Forsamekle as Sir Gedeone Murray of Elibank, knicht, Deputie Thesaurair, hes boght and ressavit fra the presonis particularlie un[dir]-writtin the nomber of Spanishe wynes following at the pryceis ef[ter]-specifeit tobe payit at Lambes nixt,—to witt, fra Williame Duff . . , skipper, foure butis of wyne, fra James Foirsyithe, mercheand bu[rges] of Edinburgh, aucht buttis of wyne, fra Alexander Menteath, mer[cheand] burges of the said burgh, sax buttis of wyne, fra Andro Simsone, [merchant] burges of the said burgh, ane butt of wyne, and fra David . . ., younger, ane butt of wyne, at the pryce nyne scoir pundis ever[ie butt], and fra the said Alexander Menteath, ane butt of Tent at [the] pryce of tuelf scoir-ten pundis, quhilkis wynes foirsaidis ar [boght] and ressavit be Assignation to certain Edinburgh merchants for payment of wines bought from them for his Majesty's household.

the said Sir Gedeone to the Kingis Majesties use [and] for the furnissing of his Majesties house: Thairfore, [for] the saidis personis thair better securitie anent the payment of [the pryceis] of thair saidis wynes, Johne, Erll of Mar, Lord Heich Thesaurair [of this] kingdome, and the said Sir Gedeone Murray, Deputie Thesaurair, [with] the advise and consent of the Lordis Commissionaris of his Majesties [Rentis], hes assignit, and be the tennour of this present act assignis, the [personis] particularlie abone-writtin and everyone of thame [to be] payit of the pryceis foirsaidis of thair saidis wynes be the ta[kkismen] and fermoraris of his Majesties customes and impoist of the [wines] oute of the first and reddiest of that termes dewtie and . . quhairin thay stand obleist . . Fol. 93, a.
. . . .[nixt]tocome for his Majesties customis . . .
. heirby the saidis takkismen and fermoraris of . . . the wynes to mak . . . . . foirsaidis of thair saidis wynes .
. . . mes dewytie foirsaid quhilk thay ar obleist . . .
. . August nixt, and the same salbe thankfullie allowit to thame in thair . . , the extract of thir presentis under the hand of the Clerk of the Counsall, with the acquittance of the pairtyis, being shawne upoun compt for thair warrand." Acta Mar. 161 -Aug. 1617.

Edinburgh, 16th April 1617.

Sederunt—Chancellor; Mar, Treasurer; Wyntoun; Tullibardine; Lotheane; Roxburgh; Bugcleugh; Binning; Burley; Cranstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Bruntyland; Medop; Ridhous; Currihill; Mr Peter Rollok; Sir Andro Ker.

Completed arrangements in Berwick-shire, Lauder-dale, and East Teviotdale, for the provision of horses for the convey-ance of his Majesty's luggage from Berwick to Dunglas, with lists of the parishes and the number of horses requisi-tioned from each, and charge to all concerned to be ready at Berwick at the proper time.

"Forsamekle as the justiceis of peace within the schirefdome of Beruik, according to the warrand and directioun gevin to thame be the Lordis of Secreit Counsaill [*ante*, p. 76], hes tane particulair notice of the nomber of horsse for cariage that every parroche within the said schirefdome may convenientlie furneishe for lifteing and caryeing of his Majesties cariage fra Beruick to Dunglas, and hes maid and presentit unto the saidis Lordis ane roll of the saidis parocheis, contening the nomber of horsse designit to everye parroche, with the names of suche personis as ar appointit constablis in the parroche to haif the chairge and commandi-ment to cause the horsse of the parroche be in reddynes for lifting of his Majesties cariage at the tymes and placeis to be appointit,—to witt: for the parrochine of Cauldestreame, whair George Kinghorne is constable, fiftie three horsse; the parrochine of Coldinghame, quhair Andro Gray and Thomas Nisbett ar constablis, three scoir tuelff horsse; the parrochine of Aytoun, quhair Peter Home is constable, threttie tua horsse; the parrochine of Lamertoun, quhair David Nisbett is constable, sevin horsse; the parrochine of Mordingtoun, quhair James Lumisden is constable, fyve horsse; the parrochine of Foulden, quhair David Purves is constable, thretteene horsse; the parrochine of Chirnesyde, quhair Johne Forman is constable, threttie three horsse; the parrochine of Eddrem, quhair Adame

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Samsoun is constable, fourtie foure horsse; the parrochine of Huttoun, quhair Archibald Strong is constable, tuelf horsse; the parrochine of Fisheweik, quhair Hector Johnestoun is constable, ellevin horsse; the parrochine of Harndene, quhair Robert Braikmeden is constable, sax horsse; the parrochine of our Lady Kirk, quhair Thomas Trottar is constable, fifteene horsse; the parrochine of Hiltoun, quhair Thomas Broun is constable, sax horsse; the parrochine of Quhitsum, quhair Henry Haitlie is constable, nynteene horsse; the parrochine of Swyntoun, quhair Alexander Swyntoun is constable, tuentie tua horsse; the parrochine of Simpren, quhair Alexander Weddell is constable, sax horsse;

Fol. 93, b.

[the parrochine of] . . . , quhair . . . Wilsoun is constable, three scoir . . horsse]; the parrochine of Fogo, quhair Johnne Hewatt is constable, twentie [foure] horsse; the parrochine of Home, quhair Niniane Home is constable, tuelf horsse; the parrochine of Gordoun, quhair David Blacader is constable, tuentie foure horsse; the parrochine of Erlestoun, quhair James Wallace is constable, tuentie fyve horsse; the parrochine of Leidgartwode, quhair David Blacader is constable, threttene horsse; the parrochine of Bassindane, quhair Williame Allane is constable, nyne horsse; the parrochine of Greenelaw, quhair Adame Brounfeild is constable, threttie sevin horsse; the parrochine of Polwart, quhair David Flint is constable, threttene horse; the parrochine of Langtoun, quhair Andro Chalmeris is constable, tuentie foure horsse; the parrochine of Cranshawes, quhair Williame Robesoun is constable, sax horsse; the parrochine of Langformachus, quhair Johne Andersone is constable, foure horsse; the parrochine of Ellem, quhair Symon Fortoun is constable, ten horsse; the parrochine of St. Bothanis, quhair Thomas Hoip is constable, foure horsse; the landis of Butterdane, being a pairt of the parrochine of Auldhamestockis, sax horsse; the parrochine of Colbrandispethe, quhair James Wallace is constable, tuentie horsse; the parrochine of Auld Cambus, quhair Patrik Hewatt is constable, sax horsse; the parrochynis of Bonkle and Prestoun, quhair James Douglas and Patrik Cokburne ar constablis, threttie tua horsse; the parrochine of Duns, quhair James Nisbett is constable, tuentie horsse: lyke as alsua the baillie of Lauderdaill and his deputis, according to the chairge and directioun gevin unto thame, hes tane the lyke notice of the nomber of horsse for cariage that everie parroche within the said baill[erie] may furneis,—that is to say, the parrochyne of Lauder, quhair Andro A[llane] is constable, threttie sax horsis; the parrochine of Chingilkirk, quhair Robert Pringle is constable, thretteene horsis; the parrochine of Mairtoun, [quhair] Thomas Haiburtoun is constable, tuentie horsse; and the parrochine [of] Nenthorne, quhair Williame Pringle is constable, ten horsse: lyke as the schireff of Roxburgh and his deputis, according to the chairge [and di]rectioun gevin unto thame, hes tane notice of the nomber of horsse [for] cariage that every parroche within East Teviodaill may furneis to [the] effect foirsaid, —that is to say, the parrochine of Smethame, tuentie fyve horsse; the parrochine of Kelso, fiftie horsse; the parro[chine] of Ednem, tuentie fyve

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horsse; the parrochine of Stitchel, tu[entie] fyve horsse; the parrochine of M^cKaristoun; tuentie horsse; [the] parrochine of Sproustoun, fourtie horsse; the parrochine of . . ., tuentie fyve horsse; the parrochine of Ectfurde, threttie h[orsse; the] parrochine of Crailling, ten horsse; and the parrochine of . . . horsse,[1]—as the actis and minutis maid and reportit in this [mater at] lenth bearis: And whereas it is exspectit that the parrochy[naris] of the parrocheis particularlie abonewrittin will in dew tyme [bring] oute the nomber of horsse abonespecifeit designit unto thame s[ufficientlie] providit with creillis and towis for bearing of cariage and . . . . . Acta Mar. 1615–Aug. 1617.

. . . . . morning and fra . . . . . or otherwayes as thay salbe directit for thay day, [and] nevirtheles the Lordis of Secreit Counsall ar informit that thair wilbe some delay and hinder to this bussynes, and that some undewtifull personis will . . and onnawayes bring nor send thair horsse to Beruick the day foirsaid . . . . . in this mater bot for present reddy and thankfull payment to be maid unto thame, sua that appeirandlie his Majesties cariage will be thame . . . . . and scandaill of the haill natioun, seeing the . . lifting . . . . Beruick, without remeid be providit: Thairfoir the Lordis of Secreit Counsall ordanis letteris to be direct chairgeing the parrochynnaris of the parrocheis particularlie abonewrittin, the constablis appointit for every parroche, as als M^r Samuell Hoome, stewart depute of the Erldome of Marche, and Robert Cokburne, schiref depute of Beruick, generall constablis appointit for the said haill schirefdome of Beruick and baillerie of Lauderdaill, that thay and every one of thame direct and send and caus the nomber of horsse abonespecifeit, appointit, and allowit for everye parroche be tymouslie and in dew and lauchfull tyme send to Beruick, sufficientlie providit with creillis and towis and otheris instrumentis meete for cariage, the said thretteene day of May nixttocome, for lifting of his Majesties cariage at Beruick and caryeing of the same thairefter as thay sall be directit be the maister of his Majesties cariage upoun his Majesties reasounable chairges and expenses, under the pane of sax pundis for every horsse that salbe absent and shall not come in dew and lauchfull tyme for lifting of his Majesties cariage as said is: for payment quhairof to command and chairge the awnaris of the horsse that salbe absent and the constablis foirsaidis to mak payment of the said soume of sax pundis for every horsse sua to be fundin absent as said is to the convenair of the justiceis of peace within the schirefdome of Beruick [in his] Majesties name and to his Majesties use within xlviij houris nixt efter the chairge, under the pane of rebellioun, &c., and, gif thay failyee, to denunce, &c., and, gif neid beis, to poind and distrenyee thairfoir as accordis of the law." Fol. 94, a.

Warrant to pay Sir Henry Wardlaw £5000.

Warrant to the Treasurer-Depute to pay £5000 to Sir Henry Wardlaw

[1] The neglect of the Sheriff of Roxburgh to appoint constables necessitated the issue of a further order from the Council. See subsequent entry under this date, p. 93.

Acta Mar. 1615 –Aug. 1617.

for the furtherance of his Majesty's works at Edinburgh, Haliruidhous, Striviling, and Falkland.

Regulations for the due return by skippers, merchants, and others, of the values of export and import goods to the Tacksmen of the Customs.

"Forsamekle as the Kingis Majestie hes lett in tak and assedatioun for the space of fyve yeiris to Williame Murray of , Niniane M^cMorane, burges of Edinburgh, Archibald Prymrois, writter, M^r Johne Hammiltoun, brother to Thomas, Lord of Binning, James Arnot, burges of Edinburgh, James Inglis, provest of Glasgow, M^r Johne Drummond, collectour clerk, Johne M^cKiesoun, Clerk of Carraill, Williame Dick, Harie Moriesoun, mercheandis, burgesis of Edinburgh, M^r Alexander Andro in Edinburgh, and Robert Hammiltoun in Dundee, all and haill his Majesties customes of all merchandice and goodis to . . . .

Fol. 94, b.

. . . . . [*Three lines illegible.*] . . . . . last bipast in the yeir of God j^m vj^c and saxteene yeiris [as in] the contract maid betuix his Majestie and the saidis takismen at lenth is contenit, [*ante*, vol. x. pp. 620–1]: Thairfoir, and for the better payment to thame of the saidis customes and impoist of wynes, the Lordis of Secreit Counsall ordanis letteris to be direct chairgeing all and sindrie maisteris, awneris, and skipparis of shippis transporting ony goodis oute of this realme at ony tyme efter the last day of October last bipast the yeir of God foirsaid during the said space of fyve yeiris to gif up upoun thair oathe solemplie takine and sworne ane just and trew entrie of the haill mercheandice and goodis being within thair saidis shippis, with the mercheantis names awnaris thairof, to the saidis takkismen, thair deputis, subtakkismen, and utheris haveing power and commissioun frome thame to that effect and to nane utheris, within sax houris nixt efter the saidis maisteris, skipparis, and awnaris of the saidis shippis beis chairget thairto, under the pane of rebellioun, &c., and, yf thay failyee, to denunce and esheate, &c.; as alsua chairgeing all and sindrie maisteris, awnaris, and skipparis of shippis arryvand at ony port or harbourie within this realme at ony tyme after the said last day of October lastbipast during the space foirsaid of fyve yeiris to gif upoun thair oathe solemplie taikin and sworne ane just and trew entrie of the haill wynes, goodis, and marchandice being within the saidis shippis, with the marchantis names awnaris thairof, to the takkismen, thair deputis, sub-takkismen, and utheris in thair name haveing thair power and commissioun to that effect, within sax houris nixt efter the saidis maisteris, skipparis, and awneris of shippis beis chairg[it] thairto, under the pane of rebellioun, &c., and, gif thay failyee, to den[unce] and escheate; and, the said entres being so gevin up, to command and chairge the mercheandis and awnaris of the saidis mercheandice a[nd goodis], outher transportit oute of this realme or imbroght within the same, to mak goode and thankfull payment of the dew custome thairof to [the saidis] takkismen, thair deputis, sub-takkismen, and utheris in thair names [haveing] thair power and commissioun to that effect, within twentie foure [houris] nixt efter thay be chairgit thairto, under the pane of rebellioun, &c., [and], gif thay failyee, &c., to denunce and esheate, &c.; as alsua [to com]mand and chairge the

maisteris awnaris of the saidis wynes to mak [goode] and thankfull payment to the saidis takkismen, thair deputis, [sub-takkismen], and otheris in thair names haveing thair power and commissioun [to the] effect, off the impoist of the same wynes in maner following,—[that is to say] tuelf pundis within xxiiij houris nixt efter the expyring of [the first] moneth efter the lossing of the said wynes, uther tuel[ff pundis within] xxiiij houris nixt efter the expyreing of thrie monethis efter the [first] moneth, and uther tuelf pundis within xxiiij houris nixt efter [the] expyring of uther thrie monethis efter the saidis first thrie [monethis], under the pane of rebellioun, &c., and, gif thay failyee ony . . . . . command and chairge all and sindrie mercheandis and uther personis quhatsomevir that salhappin to transporte ony goodis or . . . . oute of this kingdome . . . . England to this kingdome at ony tyme efter . . . . the said space of fyve yeiris to mak goode and thankfull payment of the dew custome thairof to the said takkismen, thair deputis, sub-takkismen, and otheris in thair names haveing thair power and commissioun to that effect, within twentie foure houris nixt efter the chairge, under the pane of rebellioun, &c., and, gif thay failyee, to denunce and esheate, &c." Acta Mar. 1615 –Aug. 1617. Fol. 95, a.

Charge to certain persons named for the immediate and effective repair of certain roads between Berwick and Dunglas, so that they may be passable for coaches and carts at the time of his Majesty's arrival.

"Forsamekle as, in the ordour tane be the justiceis of peace within the schirefdome of Beruik for repairing, enlairgeing, and mending of the hiewayes and passageis of the said schirefdome through whilkis his Majestie is to pas in his comeing fra Beruik to Dunglas, the boundis particularlie underwrittin wer appointit to haif bene repairit in maner following,—to witt, at the entree fra the Bounrod and abone the toun of Lamertoun, and the tua myres at the marche of Lamertoun lyand nixt Aytoun Marche, be the parrochynnaris of Lamertoun and Foulden, be the directioun and ovirsicht of Sir Patrik Chirnesyde of Nesbitt; [and] the Lon of Aytoun fra the hyndis housis of Aytoun Maynis dounwart to the barnis of the saidis Maynis be the people of Prandergaist and Aytoun Maynes, and the pethe of Aytoun going up frome the watter abone the smiddie thairof, and the west end of Aytoun Lon and the west marche of Aytoun bewest the fermelaw, be the people of Aytoun, Lemington, and Aymouthe, be the ovirsicht and directioun of Patrik Home of Aytoun; the straitnes and impedimentis in the way betuix Blakhill and Wester Quhitfeild, quhilk is maid strait on the one syde be the tennent of Quhitfeild, quho hes revin oute the same, and on the other syde be the tennent of Blakhall, who hes biggit housis and yairdis foiranent the same, and at the three burne-granes benethe the West Presse the eister burne requiris ane cast, and the wester burne requiris ane double way and passage, and that pairt of the commoun mure callit the Rashe Bus quhilk is difficle by haggis in the way, ar appointit to be helpit be the parrochynnaris of Coldinghame, at the ovirsicht and directioun of Sir George Hoome of and M[r] Samuell Hoome, bailleis of Coldinghame; and the boundis of the parrochine of Auld Cambus fra

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the heade of the edge discending to the burne of Auld Cambes benethe the miln thairof, the peth of Colbrandispeth callit the Clownlawis bewest Auld Cambes Miln (quhilk is ane difficle way be eardfast stones and mony louse stanes lyand in the way and by shoiting of the brae on bothe sydes, and at the Quhyte Cove on the east and west sydes thairof), and that pairt of the way going fra the Clownlawis to the toun of Colbrandispeth, and fra Colbrandispeth to the peth heade abone Dunglas Boig, wer appointit to haif bene repairit be the parrochynnaris of Colbrandispeth, at the sight and directioun of Hammiltoun of Innerweeke, Sir William Cocburne of Langtoun, Robert Swintoun of that Ilk, and William Arnott of Colbrandispeth; and, althocht the parrochynnaris of the parrocheis abonewrittin and the personis particularlie abonespecifeit to whose ovirsicht and directioun the chairge of the saidis workis wes commitit aucht and sould haif repairit and mendit the saidis wayes and maid the [same] passible for coitcheis and cairtis, nevirtheles nothing as yitt is done thairintill, sua that his Majestie in his passage and way through the saidis boundis is lyke to be verie far impedit and hinderit without remeid be [provydit: Thairfoir ordanis letteris to be direct]

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chairgeing . . . . . particularlie abonespecifeit to whose chairge and ovirsicht the mending of the saidis wayes wes committit that thay and every one of thame within the boundis designit unto thame repair and mend the saidis wayes and mak the same passible for coitcheis and cairtis within [ten] dayes efter the chairge, under the pane of rebellioun, &c., and, gif thay failyee, &c. to denunce, &c."

Charge to the Sheriff of Roxburgh to rectify an omission in his report as to the horses and carts forthcoming from certain parishes within his bounds for the conveyance of his Majesty's luggage from Berwick.

"Forsamekle as, the schireff of Roxburgh and his deputis being chairgeit be vertew of his Majesteis letteris to haif convenit the baronis and landit gentlemen within the boundis of Eist Teviodaill, and to haif tane particulair notice quhat nomber of cairtis and horsse for carriage every parrochine within the saidis boundis micht furneis for lifting of his Majesteis cariage at Beruik upoun his Majesteis chairgeis and caryeing of the same thairfra to Dunglas, the said schireff and his deputis hes gevin in a note bearing the particulair nomber of horsse for cariage that the parrochynis of Smethame, Kelso, Ednem, Stitchell, M^cKairstoun, Sproustoun, Roxburgh, Ectfoorde, Craling, and Yettan may furneis and send oute for the service foirsaid; bot whereas the said schireff and his deputis sould haif nominat and appointit one or tua constablis for every parroche to whome the maister of his Majesties cariage mycht haif maid his addresse, and who sould haif bene ansuerable that the nomber of horsse designit to every parroche sould haif bene in reddines at the tyme and place appointit; nevirtheles the said schireff and his deputis hes maid no nominatioun of ony constablis for the saidis parrocheis, sua that, althocht the nomber of horsse for every parroche be particularlie sett doun [*ante*, p. 87], yitt, inrespect some speciall personis ar not appointit for every parroche to haif the horsse in reddynes to the maister of his Majesties cariage, the service in that pointe is lyke to be frustrat

and disapointit, to the discredite of the natioun, without remeid be providit: Thairfoir ordanis letteris to be direct chairgeing the schireff of Roxburgh and his deputis to nominat, appoint, and sett doun ane or tua constablis in every one of the parrocheis abonewrittin to haif the chairge and commandiment to caus the particulair [awnaris] of horsse designit for every parroche be in reddynes at the tyme and place to be appointit; as alsua that thay nominat tua constablis [for] the haill parrocheis foirsaidis, who sal be ansuerable to the maister of [his Majesties] cariage that the otheris constablis to be nominat in every p[arroche] sall haif the nomber of horsse designit for every parroche in r[eddines] for lifting of his Majesties cariage at the tymes and placeis to be [designit], within foure dayis nixtefter the said schireff and his deputis beis [wairnit] thairto, under the pane of rebellioun, &c., and, gif thay failyee, &c., to denunce, &c.; and to chairge the personis electit to be constablis [as said] is to accept the chairge upoun thame within xxiiij houris nixtefter the chairge, under the pane of rebellioun, &c., and, gif thay failyee, &c., to denunce; and that the said schireff or his deputis bring or send [thair] reporte in write to the saidis Lordis quhat thay sall do in this [mater] upoun the last day of Aprile instant, to the effect the saidis [Lordis] may tak forder ordour thairanent as appertenis." Acta Mar. 1615 –Aug. 1617.

Charge to the constables appointed in the Constabulary of Haddington for the supervision of the arrangements for supply of horses and carts for the conveyance of his Majesty's luggage to accept their offices under pain of rebellion.

"Forsamekle as the personis particularlie underwrittin [are nominat] be the justiceis of the peace within the constabularie of Had[ingtoun as con]stablis within the parrocheis following to haif the chairge . . . that the cairtis and horsse for cariage designit to every [parroche be] in reddines at the tymes and placeis to be appointit for l[ifting of his] Majesties cariage,—thay ar to say, Robert Redpeth and George . . . [for] . . . [parrochine]; . . . . . ; Johne Gulleane and David Liddell for . . . parrochine; Johne [Manderstoun] and Henrie [Waltoun] for Spott parrochine; . . . . . for Stentoun parrochine; Adam Lermonth and Thomas Bowye for Quhytekirk parrochin; James Dudgeoun and Richard Ramsay for Prestone Kirk parrochine; Henry Andersone and David [Foullair] for Northberuik parrochine; Patrik Congiltoun and Henry [Fauldcleugh] for Gullane parrochine; Patrik Crystisoun and Williame Horsburgh for Abirlady parrochine; Johne Baptie and George Veitche for Othelstanefoorde parrochine; James Hammiltoun and James Newtoun for Prestoun Panis parrochine; Hary Skirving and Johnne Rae for Humbie parrochine; Robert Seytoun, George Seytoun, George Robiesoun, Alexander Turnbull, and James Balfour for Tranent parrochine and the Erll of Wyntonis landis; Abraham Kello and Johne Harlaw for Ormestoun parrochine; George Stanehous and Robert Mervingstoun for Saltoun parrochine; William Guttray for Bowtoun parrochine; Archibald Diksoun for Morhame parrochine; James Diksoun and Philip Gibsone Nisbett for Garvald parrochine; Williame Geddes for Barro parrochine; Johne Mure and James Downy for Quhittinghame parrochine; Adame Johnestoun and Andro Huntair for Pencaitland parrochine; Alexander Borthuik for Soultray parrochine; Fol. 96, a.

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George Fraser, Johne Diksoun, and Robert Spens for Hadingtoun parrochine; Johne Hay and Robert Boyd for Bothane parrochine; lyke as the saidis justiceis of peace nominat Williame Mairtyne in Morhame and David Smithe in East Fentoun as constablis who sould be ansuerable to the maister of his Majesties cariage that thay sould caus the other constablis appointit in every parroche haif the cairtis and horsse for cariage designit to the parroche in reddynes at the tymes and placeis to be appointit for lifting of his Majesteis cariage,—nevirtheles the personis foirsaidis nominat to be constablis to the effect abonewrittin, at the least ane grite nomber of thame, refuisis to accept the said chairge upoun thame, sua that his Majesties service in that poynte concerning the chairge, quhilk is one of the most important serviceis that will occur in all his Majesties progres heir, is lyke to be frustrat and disapointit, withoute remeid be providit: Thairfore the Lordis of Secreit Counsall ordanis letteris to be direct chairgeing the personis particularlie abonewrittin, nominat and chosine constablis as said is, to compeir befoir the saidis justiceis of peace within the Tolbuithe of Hadingtoun upoun the day of Aprile instant, and thair to accept the said office in and upoun thame, under the pane of rebellioun and putting of thame to the horne, and, gif thay failyee and compeir not the day foirsaid, or gif thay sall refuise to accept the said office in and upoun thame, to denunce the dissobeyaris rebellis and putt thame to the horne, and to esheit, &c."

Decreta Jan.–Nov. 1617. Fol. 38, a.

[Sederunt as recorded above.]

Edinburgh, 16th April 1617. Patrick Cranstoun of Corsbie fined and committed to ward for a cruel assault on the children of John Semple in Fawsyde.

Complaint by Johnne Semple, son of Johnne Semple in Fawsyde, and Bessie Semple, his sister, and Mr James Seatoun of Fawsyde, as master to the said John and Bessie, as follows:—While pursuers were gathering wool upon the lands of Ludghill Mure on 28th February last, they were accosted by Patrik Cranstoun of Corsbie, who, "in disdane and dispyte of thair said maister, pat violent handis in thame, tirred thame mother naiked, and with roddis schamefullie and unhonnestlie strak, dang, and scourget thame almost for deid," and "compellit thame, naiked as thay wer, to rynn hame to thair said fatheris house in Fawsyde, exponeing thame to the injurie and cauld of the stormie wodder quhilk fell furth for the tyme."—Pursuers appearing personally, and defender also being present, the Lords find that pursuers "wer tirred naiked be the said defendair the tyme libellit, and thair wes some taikynis of blood sene upoun thame quhilkis appeirit to be the straikis thay ressavit at that tyme." They

Fol. 38, b.

order the defender to pay £10 to them as a fine, and to remain in the Tolbooth of Edinburgh till he pay the same.

Caption against Bellenden, younger of Corhouse, for debt to James Raith.

Complaint by James Raith, servitor to Alexander, Earl of Dunfermling, Lord High Chancellor, that Williame Bellindane, younger of Corhouse, remains unrelaxed from a horning of 26th September last for not paying £160 of principal and £40 of expenses, and also for not paying 400 merks of principal and £40 of expenses.—Pursuer appearing personally,

and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Decreta Jan.–Nov. 1617. Fol. 39, a.

Complaint of Mr. Walter Kininmonth of Callinche and the sheriffs-depute of Fife against David Kininmonth of Craighall and others for forcible resistance to a decree of ejectment.

Complaint by Mr Waltir Kynnimonth of Callinche and George Airth of Seytoun and David Andirsoun, sheriffs depute of Fyff, for their interest, as follows:—On 31st July 1616, the said Mr Walter obtained a decreet against David Kynninmonth of Craighall for his removal from the lands of Callinch and the "housis, biggingis, yairdis, coilheughis, and pertinentis of the same." Pursuer was compelled to put him to the horn for dissobedience, and ultimately was constrained to direct letters against the said sheriffs depute for the removal of defender and his household. Accordingly, on 23rd November last, the said sheriffs depute, with their court-officers, went to the place of Callinche. They were there opposed by Patrik Kynninmonth, apparent of Craighall, Andro, Johnne and David Kynninmonth, his brothers, Andro Auchmowtie, servitor to the said Patrik, and ten or twelve others, armed with "tua handit swerdis, Jedburgh staulfis, lances, forkis, and other wapponis invasive," and were by them deforced. On 12th March last, they returned to the said lands Fol. 39, b. with the intention of entering the said pursuer in possession. "And, thay haveing enterit in the principall mansioun and dwelling house of the saidis landis, quhair Marioun Seytoun, spous to the said David, with hir haill bairnis wer for the tyme, and the schireff deputis haveing commandit thame in his Majesteis name and in name of the schireff principall of the said schirefdome to have removit thame selffis fra the landis, housis, and biggingis abonewrittin, and becaus of thair refuisall preissing to haif put the said Marioun and hir bairnis oute of the said house, and thay haveing chairget George Seytoun of Carrestoun, Patrik Traill, sone lauchfull to umquhill Johne Traill of Blebo, George Seytoun, sone to umquhill George Seytoun of Parbroth, Thomas Miller, sone to Johnne Miller of Baldynnie Mylne, who wer personalie present within the house, to concur and assist thame in the executioun of thair office, thay not onlie disdanefullie and proudlie refuisit to gif thair concurrence to the saidis schiref deputis, bot, professing thame selffis to be plane pairteis with the said Marioun Seytoun and hir bairnis, thay joyned in actioun with hir and with Patrik, Andro, Johnne, David, Williame, and James Kynninmonthis, hir sones, who haveing convocat and assemblit togidder the nomber of fourty personis or thairby, all bodin in feir of weir with unlauchfull and forbidden wapponis and with Jedburgh staulffis, twa handit swordis, and otheris wapponis invasive, thay all set upoun the saidis schiref deputis, pat violent handis in thame and in thair officeris, thrust thame oute of thair house, and avowit with mony horrible aithis that, gif the saidis schiref deputis insistit ony forder in that mater, thay sould haif thair lyveis. Through just feir thairof thay desisted as before, and depairtit unputting the letteris of possessioun to executioun."—The said Mr Walter appearing for pursuers, and producing two instruments Fol. 40, a. concerning the acts of opposition under the hand of Johnne Patirsoun,

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sheriff-clerk of Fyff, dated respectively 23rd November last and 12th March last, and defenders not appearing, the Lords (*a*) order the absentee defenders,—viz., Patrik Kynninmonth, apparent of Craighall, Andro, Johnne, David, James, and Williame Kynninmonth, his brothers, Andro Auchmowtie, servitor to the said Patrik, George Seytoun of Carrestoun, George Seytoun, son of the late George Seytoun of Parbroith, and Thomas Miller,—to be denounced rebels; and (*b*) grant commission to the Sheriff of Fife and his Deputes to convocate the lieges in order to forcibly dispossess the said Marioun and to enter the pursuer.

Fol. 40, b.

Falconer of Halkeston and others against Andrew Mearns and others for mutilation of cattle.

Complaint by Sir Alexander Falconner of Halkertoun, M^r^ James Wischart of Pittarro, and Patrik Falconner of Newtoun, as follows:—On 2nd November last, Andro Mernis in Gurdene, David Tod there, and William Ogstoun in Bervie, with some accomplices, went by night to the "boundis and ground of the landis of Halkertoun, Pittarro, and Bruntoun," where pursuers had twelve horses, mares, and "staigis" pasturing, and

Fol. 41, a.

"cuttit the haill taillis frome the horse, meiris, and staigis over at the rumplis, and caryed the same away with thame."—M^r^ James Wischart of Pittarro appearing for pursuers, and defenders not appearing, the Lords order defenders to be denounced rebels.

Quintin Shaw against Kennedy of Blairquhan and others for assault and ill-usage.

Complaint by Quintene Schaw, bruther of George Schaw of Auchingarne, as follows:—On Sunday 9th March last, while pursuer was in the dwelling-house of after supper, Johnne Kennedy of Blairquhan, accompanied by Alexander Dumbar, younger of Mochrum, Alexander Dumbar, his servant, Johnne Jerdane and Johnne Crawfurd, servitors to the Laird of Blairquhan, and Johnne Miller at the Mylnetoun of Stratoun, with others, all armed, came to him about midnight, "pat violent hand in him, first schamefullie and unhonnestlie forceit and compellit him to drink more drink nor he wes able to contene, and, haveing schamefullie abusit him with excesse of drink as said is, cruellie and unmercifullie strak and dang him with feit and handis; and, becaus he refuisit justlie to sit doun on his kneis and drink ane skoll or grite drink, thay reft frome him his swerd, and left him lyand for deid. And, the said complenair being careyed to his bed within the house or buith of Thomas M^c^Kawis in Stratoun, the saidis personis come the said nicht to the dure

Fol. 41, b.

of the said house, maisterfullie brak up the dure of the said house, enterit thairintill, tooke the said complenair furth of his bed, and of new agane schamefullie and unhonnestlie strak and dang him on sindrie pairtis of his body, and left him lyand for deid."—Pursuer appearing personally, and defenders not appearing, the Lords order defenders to be denounced rebels.

Caption against David Livingston, Sir James Forrester of Garden, Sir Archibald Stirling of Keir, and

Complaint by Sir George Erskin of Boquhane, knight, and Johnne Erskine of Chaippiltoun, that David Levingstoun, apparent of Dunypace, remains unrelaxed from a horning of 29th June 1609, for not paying 500 merks of principal and 100 merks of expenses to the said John Erskine; also, that Sir James Forrester of Gairdin, knight, as principal, and Sir Archibald Stirling of Keir, Johnne Seatoun of Tullibody, and Alexander

others, for debt to Sir George Erskine.

Sommervell, fiar of Plane, as cautioners, remain unrelaxed from a horning of 7th January 1612, for not paying 7000 merks and £700 of expenses to the said Sir George Erskin, and "siclyke for not payment to the said Sir George the annuelrent of ten merkis for ilkane hundreth merkis of the said sowme of thrie thowsand merkis of all yeiris and termes bigane restand unpayit."—Johnne Erskine appearing for pursuers, and the said Sir James Forrester and David Levingstoun not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Decreta Jan.–Nov. 1617. Fol. 42, a.

Mitchell Baillie against Andrew Slowman for suspension of horning.

Complaint by Mitchell Baillie in Hoprig that he has been charged at the instance of Andro Slowman, "cordiner," to enter his person in the Tolbooth of Edinburgh, and that the said Andro "intendis incaice of his dissobedience to caus denunce him rebell." He pleads that he had not been lawfully charged, and also that, for obedience, he had found caution in 300 merks to enter his person within the Tolbooth "upoun the xiij day of Aprile instant."—Pursuer appearing personally, having been brought from the Tolbooth by Andro Quhyte, keeper, and defender being also present, the Lords order the said Mitchell Baillie to pay a fine of £40 to the said John Slowman and to remain in the Tolbooth till he pay the same. The Lords suspend the process of horning. Fol. 42, b.

Complaint by Mary Scott, Lady Bonytoun, against the Scotts of Harden and others for cruelty and oppression. Defenders assoilzied.

Complaint by Marie Scott, Lady Bonytoun, as follows:—"It being the goode pleasoure of God to blisse the said complenair with sindrie childrene, whome God in his awne appointit tyme haveing visite, leaving onlie ane sone namitt Scott, who, being come to the aig of nynetene yeiris, wes, in a raige of heich displeasoure trewlie and deiplie apprehendit be him upoun occasioun of ane oppin and disgracefull injurie commitit and done to him be William Riddell, miller in Todrig Mylne, and be his procurement, in the verie floure of his youth suddenlie taikin away and callit to his rest; and thairefter the said William Riddell being, in plane contempt of the said complenair and hir spous, mantenit be Waltir Scot of Harden, and the said Waltir haveing verie unkyndlie brocht and causit the said Williame Riddell be brocht to all suche publict pairtis as he micht thairby irritate the father and mother and freindis of thair said sone to urge a revenger of the injurie foirsaid; in end, upoun the day of , the said William Riddell being brocht be the speciall directioun of the said Waltir Scott, in company with Waltir, his sone, to fische in the Watter of Ettrik pertening to the said complenaris said housband, in his contempt and disdane, at whiche tyme unhappelie and accidentlie the said Waltir Scot, sone to the said Waltir Scot of Harden, wes hurte and woundit be some of the said complenairis housbandis company for the tyme in thair awne defence, who onlie intendit in a sobir maner to haif dischairget suche forme of contemptuous comeing to the said complenairis boundis foirsaidis. And the said Walter sensyne is depairtit this lyff. Quhairupoun the said complenairis said housband being maid rebell, and the said complenair, with hir oyis, Fol. 43, a.

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servandis, and familie, being left destitute of his help, conforte, and supplie, the said Waltir Scot of Harden, and William Scot, his sone, haveing purchest to thair behooff the gift of the said complenaris said husbandis eschete, hes thairby and by all direct and indirect meanis socht how to havelie vex and oppres the said complenair and hir oyis and servandis, who are his Majesteis lauchfull and ansuerable subjectis. As, namelie, upoun the day of last, Hab Scot in the Howfurd, and Michaell Scot, his bruther, suster sones to the said Waltir Scot of Harden, and Chairlis Crawfurd and Johnne Batie, his servitoris, George Allan, also his servitour, bodin in feir of weir, of the said Waltir and William Scotis causing, come undir cloud and silence of nicht to the said complenaris place of Newhous, and, being informit that hir oyes and servand wemen wer lyand in the hall of the said place takand the nichtis rest in sober maner, intending most cruellie and barbarouslie to haif smoirt thame in the said house—for whiche effect thay pullit furth the haill quonyie stones of the said hall and undirmyndit the same sua that the said hall within the space of ane houre thairefter fell to the ground, and the young ones and servand wemen who wer attending thame had not faillit to haif bene smoirit wer not be the providence of God how soone thay hard the tymmer crak thay rais oute of thair naiked beddis, and went furth of the said house, and lay all nicht in the cloise thairof. And in the nixt nicht thairefter the saidis personis come to Margaret Cheisholme, nurice to the said complenair, as scho wes going furth of the byre quhair scho and hir oyes wer lyand, and schamefullie and unhonnestlie strak and dang hir and left hir lyand for deid, enterit in the said byre, and barbarouslie and unhonnestlie trampit and tred the young ones undir thair feit. And siklyke upoun the day of last the saidis personis, of the said Waltir Scott and William Scotis causing as said is, come to the said complenairis said dwelling house, quhair, scho haueing onlie ane milk kow for geving milk to hir saidis oyes use, thay most barbarouslie cuttit and scoirit the papes and idder of the said kow, and thairby hes maid hir unable to gif ony milk. And, upoun occasioun of the rebellioun of the said complenairis said housband a warrand being direct to the Capitane of his Majesteis Guard for taking of his housis and making of inventair of his goodis and geir being thairintill, upoun the day of Marche instant, Robert Ker and Lancie Airmestrang, alledgeing thame selffis to be tua of the gentilmen of the Guard, and being accumpaneid with the said Walter Scot of Harden, William Scott, his said sone, Robert Scot of Hanyng, Walter Scot of Todrig, Walter Scot, his sone, and the said William Riddell, who wes the onlie ground of the slauchter foirsaid, William Scot in Burnefute, Robert Scot of Shelliswood, Waltir Scot, his bruther, Hew and Frances Scottis, sones to the said Walter Scot of Harden, and with convocatioun of his Majesteis leigeis to the nowmer of personis, all bodin in feir of weir with swerdis, gantillatis, plaitslevis, and utheris wapponis invasive, come to the said complenair and hir said spous toure, fortalice, and

Fol. 43, b.

Fol. 44, a.

house of Newhouse, and, urgeing the keyis thairof to be deliverit to thame, the said complenair verie willinglie randerit the said house and keyis thairof to the saidis Robert Ker and Lancie Airmestrang, hoiping that thay sould haif keipit the same to his Majesteis use and sould haif sufferit the said complenair with hir oyes and servandis to haif remanit in some of the utter housis of the said place, at least in some barne or byre of the same. It is of treuth that the saidis personis most violentlie pat the said complenair with hir oyes and servandis furth of the said place and haill housis of the same, not suffering hir to bring ony claithis or intertenement furth of the said house with hir nor to entir in ony of the byreis or barnes about the said place, and compellit thame to ly undir dykis, and exponit him [thame] to the injurie of the cauld winter. And, thay haveing creppin in auld wallis of ane fallin doun barne wanting the rooff, and haveing kendit fyre thairintill for the cherischeing of the young ones who wer lyke to perrische for cauld, thay lykewyse most violentlie and cruellie without ony pitie or compassioun pat oute thair fyre within the said auld wallis, and kaist thame furth of the same; and the said Williame Scot with mony horrible aithis avowit that the said complenair sould nevir get ane nichtis ludgeing on ony pairt of the ground of the landis pertening to hir and hir said husband. And the saidis Robert and Lancie Armestrang deliverit the said place and toure of Newhouse to the pairtie foirsaid to be keipit be thame, who can pretend no richt thairto. And the saidis Waltir Scot of Harden and Williame Scot, his said sone, as chalmerlanis and baillis to Waltir, Lord Scot of Bugcleuche, haveing the cheif commandiement within the haill boundis of the cuntrey of the Forrest, hes oppinlie causit dischairge the maisteris and millairis of the haill mylnes within the saidis boundis to the nomber of sextene mylnes that thay onnawyse presome to tak upoun hand to grind ony coirnis quhatsumevir to the said complenair. And scho and hir familie had not faillit to haif stervit for hunger, wer not be the providence of God, Sir Robert Stewart of Tracquair, being tuitcheit with hir hard and miserable estaite, gaif warrand to his milleris to grind the said complenairis coirnis. And, as scho is informit sen hir repairing to this burgh,—viz., upoun the day of Marche instant,—the saidis Waltir and William Scottis hes at thair awne hand yockit the nowmer of gangand plewis to teill the said complenair and hir said husbandis haill landis, thay haveing onlie the naiked and single eschete of hir said spous and not his lyfrent, and hes cuttit and distroyit the haill woodis, policie, and planting of the Newhouse and utheris his landis, and will suffer no kynd of intertenement or supplie be gevin unto the said complenair; nather dar ony persone convoy hir athorte the cuntrey for feir of the saidis personis, and scho is reduceit to that point of miserie that scho hes nather meanis quhairupoun to interteny hir selff, nor yit ane house to ly into."—Pursuer appearing personally, and William Scot, apparent of Harden, and Robert Scot of Hanyng appearing personally, and the said William Scot appearing in name of Walter

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Scot of Todrig, Waltir Scott, his son, Robert Ker in Yair, Robert Scot of Scheilliswood, Waltir Scott of Ashinsyde, James Scot in Foulscheillis, Robert Scot of Satchellis, Chairlis Craufurd in Kirkhoupe, Hew Scot, son of Walter Scot of Harden, William Riddell and George Allane in Kirkhoupe, Waltir Scott of Harden, William and Frances Scott, his sons, Robert and Michael Scott, his servitors, and Lancelot Achesoun, the
Fol. 45, a. Lords assoilzie defenders, because pursuer has failed to prove the charges against them.

Lundie of Balgonie against Boswell of Pitteddie.

Complaint by Robert Lundy of Balgony as follows:—He has been charged by letters of lawburrows, raised at the instance of Johne Boiswell of Pittedie, to find caution in 3000 merks for the indemnity of him and his family; and the said laird intends to put him to the horn in the event of his dissobeying the letters. The sum is extraordinary, as by
Fol. 45, b. Act of the Parliament he is liable for no more than 1000 merks; and, though he has found caution in the larger sum, he craves reduction.—Pursuer appearing by a procurator, and defender appearing personally, the Lords suspend the process of horning, but order the caution of 3000 merks to stand without diminution.

William Crawfurd and James Pringle against Andrew Newbigging and others for deforcement.

Complaint by Williame Crawfurde, one of the ordinary officers of the
Fol. 46, a. sheriffdom of Edinburgh, and James Pringle, merchant burgess of Edinburgh, for his interest, as follows:—The said William, having been employed by the said James to execute a precept of poinding against Johne Spottiswood of that Ilk for payment of £180 of principal and £5 of expenses, went on 28th March last to the stable of Andro Newbigging, stabler in the Cannogait, and apprehended a "gray stoned horse" belonging to the said Johnne Spottiswood. While leading the animal to the Market Cross, he was met by M^{r} James Wilkie, bailie of the Cannogait, accompanied by Johnne Muld, deacon of the tailors there, William Twedy there, George Thomesoun, cutler, Gilbert Thomson, stabler, the said Andro Newbigging, and others, to the number of a hundred, armed with swords, longstaffs, quhinyers, &c., in St. Marie Wynd, "being outwith the saidis bailleis boundis and jurisdictioun." He was deprived of the horse, and, moreover, was cruelly assaulted, along with William and Thomas Cochrane, and Williame Reidpeth, his witnesses.—Pursuer and
Fol. 46, b. defenders appearing personally, and the said Andro Newbigging having represented that, "the said Johnne Spottiswood haveing placeit the said horsse within his stable upoun the xxj day of Maij last," he had "fed and intertenyit the said horsse sensyne upoun his awne proper chairgeis and expensis, for the quhilk expensis he hes actioun depending before the Lords of Counsaill and Sessioun," the Lords order the said Andro to deliver the said horse to James Pringle, the said James first finding caution that he shall pay to him the sum awarded by the judge ordinary for its keep.

Andrew Stewart, messenger in Burntisland,

Complaint by Andro Stewart, messenger in Bruntiland, as follows:—On 17th March, pursuer executed a charge against Adam Lyllie, flesher in Bruntiland. "In the verie meanetyme of the executioun of the said

against Adam Lilly for assault and wounding.

chairge" the said Adam "most craftelie, falslie, and subtillie tooke frome the said complenair ane of his writtis and paperis quhilkis he layit doun besyde him at the tyme foirsaid, and caryit the same away with him. Quhairof the said complenair being suirlie informit, he went the said day after supper to the said Adame Lilleis dwelling-house in Bruntyland of purpois to have ressavit bak agane his write and letter foirsaid." Pursuer asked for defender, "and, it being denyit to him that he wes within his said house, the said complenair sat doun before the fyre untill the said Adame sould have come in to his said house. The said Adam being than in ane inner chalmer, and heiring that the said complenair wes sitand at the fyre, the said Adame with ane drawne swerd in his hand come furth of the said chalmer, and, behind the said complenairis bak or evir he wes war of him, gaif him thrie or four deidlie woundis in the heid, out of the quhilk thair is a nomber of bones takin, and left the said complenair lyand for deid upoun his awne flore; quhairof the said complenair hes lyne bedfast sensyne undir the handis of foure or fyve of the maist skillit and expert chirurgianis within the burgh of Edinburgh." Defender was arrested and is still in the Tolbooth of Bruntyland.—Pursuer appearing personally, and Patrik Greif, provost of Bruntiland, and Richart Ros, bailie, appearing and exhibiting the said Adam, the said prisoner admitted that he had assaulted the pursuer, "becaus, as he alledgeit, he fand him strugling with his wyff." This statement having been heard and likewise the denial of it by pursuer, the Lords find against the said Adam, and order him to pay to the said Andro the sum of £20 as a fine and to satisfy the surgeons for their pains, "and that at the sicht of the bailleis of Edinburgh." Defender is to remain in the Tolbooth of Edinburgh till he pay the fine and find caution for the surgeons' fees. Decreta Jan.-Nov. 1617. Fol. 47, a. Fol. 47, b.

Act in favour of the Heralds and Pursuivants, doubling their present salaries.

"Anent the supplicatioun presentit to the Lordis of Secrite Counsaill be Sir David Lindsay of the Mounth, Lyoun King at Airmes, Thomas Williamsoun, Ros, Robert Wynrahame, Albanie, Thomas Drysdaill, Ila, Gilbert Guthrie, Amerciament [Marchmont], James Law, Snadoun, and Williame Craig, Rothesay, herauldis, David Gairdner, Ormond, Waltir Ritchie, Kintyre, James Fuird, Unicorne, Gilbert Hunter, Dingwell, James Cwnynghame, Carrik, and Eleazer Makesoun, Buit, pursephantis, makand mentioun that quhair his Majestie,—haveing consideratioun of the honnest rank quhilk wes borne furth be the herauldis and pursephantis of auld, haveand sufficient feallis, moyane, and rentis quhairupoun to sustene and interteny thame selffis and thair famileis, and that the meane and small feallis quhilkis are now assignit to the saidis supplicantis are not able to beir furth that honnest rank quhilk wes borne be thair predicessoris of auld, quhairthrow thay are not able to dischairge a dewtie in thair saidis officeis ather at Counsaillis, Parliamentis, and Conventionis, quhairat thay mon be present, await, and attend at all tymes and occasionis, haveing thair dwellingis for the maist pairt in the fordest pairtis of this realme, and sua forcit to remane a grite pairt of the yeir, to

Decreta Jan.–Nov. 1617.

thair grite chairgeis and expensis,—it hes pleasit his Majestie, upoun these and sindrie utheris good motionis and considerationis moveing his Heynes, to aggrie that some reasounable modificatioun be maid to the saidis supplicantis of thair feallis, and hes referrit the modificatioun thairof to the saidis Lordis. And, seing thair saidis feallis are sua meane and small,—viz., the Lyoun haveing onlie in yeirlie feall fourty pundis, Fol. 48, a. everie herauld haveing onlie in yearlie feall twenty pundis, and everie pursephant ten pundis,—that thay are not able to sustene thame selffis or yit beir furth that rank quhilk wes borne be thair predicessoris of auld, and that also thay mon be honnestlie apparrelled in abuilyeamentis and utherwyse at Parliamentis and Conventionis, quhilkis are verie expensive and can not be had nor done upoun thair saidis meane and small feallis: Humelie desyreing thairfore that thay micht haif some reasounable augmentatioun of thair feallis maid unto thame as the saidis Lordis sould think good, lyke as at mair lenth is contenit in the said supplicatioun. Quhilk being red, hard, and considerit be the saidis Lordis, and thay finding the desyre thairof to be reasounable, thairfore the Lordis of Secrite Counsaill Commissionaris of his Majesteis Rentis allowis to the saidis supplicantis the double of thair present feas, to be payit to thame yeirlie in tyme comeing be his Majesteis Thesaurair and Thesaurair Depute and Ressaveairis of his Majesteis Rentis at the ordinair termes of payment usit and wount, begynnand the first termes of payment thairof at the feist and terme of Martymes lastbypast."

William French of Frenchland against Elphinstone of Schank and Home of Hardiemylne for preventing his access to Jean, Alison, and Margaret French, his legal wards.

Complaint by Williame Fransche of Franscheland, donator to the ward and marriage of Jeane, Allisoun, and Margaret Fransche, daughters of the late Robert Franshe of Thornedykis,[1] as follows:—By the gift of his Majesty and by the practice of this kingdom the right of the keeping and education of the said three sisters belongs to pursuer; and now, they being all marriageable, he "is myndit, conforme to the lawis of this realme, to mak offer of ane mariage to the eldest, aggreable in all conditionis to hir rank and estaite." He "hes usit all lauchfull meanis to mak this offer, bot he can not haif the occasioun to get this offer maid, becaus thay are keepit in cloise house be Williame Home of Hardeismylne and Johnne Elphingstoun of Schank, who sufferis nane to haif acces, speiche, nor conferrence with thame, bot be thair awne allowance and tollerance. And the young gentilwemen are in a maner keipit as prisoneris, sequestrat frome all societie and company, and hes not the fredome to consult and advise upoun thair affairis bot according to the humour and dispositioun of the saidis personis, who intendis, as appeiris, so to ovirreule thair affectionis that thay salbe constraynit to yeild to quhatsumevir thair unlauchfull demandis both anent thair mariage and anent thair Fol. 48, b. landis and heritage."—Pursuer and defenders appearing personally, and the said Johnne Elphingstoun having granted "that the saidis Jeane and Allisoun Franscheis wer with him, and that thay remanit with him thir sex yeiris bigane, and that thay wer interteneyit be him in all thair

[1] For the case of the brother of these wards, see *ante*, vol. X. by Index.

necessaris upoun his propir chairges and expensis," and the said William Home of Hardeismylne having declared "that the said Margaret Fransche wes with hir gooddame," the Lords order the said Johnne Elphingstoun to present the said Jeane and Allisoun before them on 23rd April instant "in als frie estaite and conditioun as thay wer when he ressavit thame." Decreta Jan.–Nov. 1617.

Commission to the Earl of Linlithgow and others for the trial of Andrew Turnbull, accused of witchcraft.

Commission under the Signet, signed by the Chancellor, Mar, and Binning, is given to Alexander, Earl of Lynlytgow, Alexander, Lord Levingstoun, Mr Alexander Hammyltoun of Kinglas, sheriff of Lynlythgow, Alexander Levingstoun of West Quarter, James Cochrane of Balbeuchlie, and the provost of Linlythgow, or any three of them, to try Andro Turnbull in Hilhous within the barony of Ogilface, at present lying in the Tolbooth of Lynlythgow under suspicion of "the odious and detestable cryme of witchecraft, inchantment, and sorcerie." Commissions. Fol. 29, b.

Canongate Kirk.

"The quhilk day the baillies of the Cannogait wer commandit to repair the southe windois of thair kirk." Sederunts. Fol. 10, a.

Edinburgh, 23rd April 1617.

Sederunt—Chancellor; Lotheane; Tullibardine; Master of Elphinstoun; Treasurer-Depute; Clerk of Register; Advocate; Sir Andro Hammiltoun; Sir James Skeene; Mr Peter Rollok. Acta Mar. 1615–Aug. 1617. Fol. 96, a.

Act relieving the Earl of Errol from his confinement and other disabilities on account of his non-conformity to the established religion, and restoring him to full liberty.

"Forsamekle as, upoun occasioun of the not conformitie of Frances, Erll of Erroll, to the trew religioun presentlie professit within this kingdome, and of the sentence of excommunicatioun usit aganis him for that caus, the said Erll wes not only confyned in his place of Erroll and some certane boundis thairaboute, bot with that he wes putt under cautioun for keiping the boundis of his confyneing and for observeing of certane otheris conditionis injoyned unto him and at lenth specifeit in the band and obligatioun maid and subscryvit be him and his cautionaris to that effect; and whereas now . . . . . materis concerning religioun quhairof formarlie he stoode in doubt, sua that now thair resteth no forder caus to restrane him in ony sort of his naturall libertie quhairof by ressoun of his not resolutioun in the pointis of relligioun he wes restraned, or yitt to hald him and his cautionaris under the conditionis of the said cautionarie: Thairfore the Lordis of Secreit Counsall, according to ane warrand and directioun in write send unto thame and signed be his Majestie in this mater, freethis and releivis the said Erll of Erroll of his present confyneing and wairding, and gevis and grantis unto him libertie and licence to hant, resort, and repair in all pairtis and placeis of the cuntrey at his pleasour withoute pane or danger to be incurrit be him thairthrow in his persone or goodis, nochtwithstanding the cautioun fund be him for his remaining and keeping of warde within the boundis allowit unto him; quhairanent and all panes contenit thairintill the saidis Lordis dispensis be thir presentis, and exoneris him and his cautionaris of the same for Fol. 96, b.

Acta Mar. 1615 -Aug. 1617.

evir, and declaris that he hes trewlie keept the boundis of his confyneing and conformed himself to the warrandis fra tyme to tyme grantit unto him upoun speciall considerationis to repair sometymes outwith the same boundis, sua that frome henseforthe thair is nothing to be objectit aganis him nor his cautionaris in that pointe; as alsua the saidis Lordis freethis and releivis the said Erll and his cautionaris of the haill remanent pointis, headis, and conditionis specifiet and contenit in the said band and obligatioun, and declaris thame to be free thairof in all tyme comeing.—His Majesties missive letter for the warrand of the act abonewrittin.—Richt trustie and righte welbeloved cosen and counsellour and right trustie and weilbeloved counsellour, wee greete yow weele. The Erll of Eroll haveing gevin now satisfactioun to the fatheris of the Church there concerning materis of relligioun, there now resteth no forder cause to restrane him in ony sorte of his naturall libertie. It is thairfore our pleasour that with all convenient expeditioun [yee] in our name releeve him of all forder restraint and grant u[nto him] whatsoevir libertie our best subjectis enjoy. And, heirin nothing [doubt]ing of your reddie willingnes to obey this our command, we bid [yow fair]weele. Gevin at Aske, the 16th of Aprile 1617."

Decreta Jan.–Nov. 1617. Fol. 49, a.

[Sederunt as recorded above, but with the omission of *Lord Tullibardine*.] Edinburgh, 23rd April 1617.

In the case of French of Frenchland against Elphinstone of Shank.

This day appeared William Franche of Franschland, and John Elphinstoun of Schank, the latter presenting Jeane and Allisoun Franche in accordance with the decreet, *ante*, p. 103. The Laird of Schank having first protested that, however the case might go, "he micht be satisfeit for the intertenying of the saidis Jeane and Allisoun Francheis thir sevin yeiris bigane," and the Lords "haveing demandit of the saidis Jeane and Allisoun Franscheis with quhome thay desyrit to remane," the said Jeane "declairit that hir desyre wes to remane with Alexander Cranstoun of Morestoun," and the said Allisoun "that hir desyre wes to remane with Williame Home of Hardeismylne, hir uncle and ane of hir curatoris." Whereupon the Lords, considering that the girls were of lawfull age, order them to be sequestrate as they desire; and the Lairds of Morestoun and Hardeismylne, being present, receive them and promise to do their duty. The Lords, with consent of the said curators, order them to pay to the Laird of Schank the sum of 600 merks in full satisfaction of charges incurred by him on behalf of the said Allisoun.

Fol. 49, b.

George Weild against John Johnston for assault.

Complaint by George Weild, son of the late Antone Weild in Annand, as follows:—On 11th February last, he was accosted in Mylnefeild by Johnne Johnnstoun, son of the late Johnne Johnnstoun in Mylnefeild, now burgess of Annand, accompanied by George, Edward, and David Johnnstoun, his brothers, Thomas Carrutheris, son of the Laird of

Wormembie, and others, all armed, and cruelly assaulted by them. They chased him out of a house in Mylnefeild to the barn of Robert Pharie there, "housit him thairintill, enterit within the same, and with thair drawne swerdis stoggit the corne or nit and beir mowis thairintill, of purpois and intentioun to haif slane him." The same night they went to the said Robert Pharie's "steiphouse," where pursuer was for the time, cruelly assaulted him with swords, quhinyers, and iron forks, and wounded him in the head and other parts.—Pursuer and defenders appearing personally, defenders represent "that, the said Johnne Johnnstoun being callit and convenit before the stewart deputis of the Stewartrie of Annanderdaill, in the Stewart Courte haldin at the burgh of Lochmaben upoun the first day of Marche last, for the persute and invasioun, hurteing and wounding, of the said George Weild, the said stewart depute, be his decrite and sentence proceiding upoun the grant and confessioun of the said Johnne Johnnstoun, decernit the said Johnne in ane unlaw of ten pundis, as alsua decernit him in ane fyne of uther ten pund to be payit to the pairtie grevit." In reply, pursuer urges that he should not be prejudged by this evidence, because the said case before the steward depute was not pursued by him or anyone in his name with his knowledge or consent, having been raised by the procurator-fiscal of the court for the benefit of the court.—The Lords order defender to pay £40 to pursuer as a fine for the said assault, and to be detained in the Tolbooth of Edinburgh till he pay the same. Decreta Jan.–Nov. 1617. Fol. 50, a.

Margaret Reid against William Shiel, cooper in the Water of Leith, and Duncan Campbell, messenger, for illegal seizure of goods.

Complaint by Margaret Rid, indweller in Edinburgh, as follows:—On 15th instant, Williame Scheill, cooper in the Water of Leith, and Duncane Campbell, messenger, went to her house when she and her servant were away, and wrongously entered the same. They broke up her "kistis and cofferis," and took away the following articles,—viz., "ane pair of cloikis of Reisseillis lynt with figerit velvot, worthe fourty pundis, ane gowne of say bombesey, worth auchtene pundis, ane doublit and ane skirt of growgrane, worth twenty pundis, ane welicot of reid freis, worth twenty four pundis, being all the ornamentis and abuilyeamentis of hir body; item mair, ane pair of goldin claspis weyand ane unce and ane half of gold, worth fyftie pundis, ane coller claith of crimassie taffetie pasmentit with silver pasmentis and lynnit with reid freis, pertening to Agnes Boyd, spous to George Oustiane, merchand burges of Edinburgh, quhilk wes in the said complenairis keiping and possessioun, four elnes of blak Reissillis growgrane, pertening to Issobell Boyd, quhilk wes lykwyse in hir possessioun; with sindrie utheris guidis." They, and Johnne Fiddes, town officer, and Alexander M^{c}Brek, messenger, carried the same to the Market Cross of Edinburgh between 12 and 1 o'clock in the afternoon, and "maid ane pretendit maner of appryseing thairof, as gif the said complenair had bene debtfull to the said William Scheill; quhairas, be the contrair, scho wes nather debtfull to him nor yit had he decrite or sentence recoverit aganis hir." Pursuer and the other persons to whom the goods belonged had given their oath before the said officers that the said goods were Fol. 50, b.

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theirs. The goods of the others have been rendered up, but the said defenders still withhold pursuer's personal goods aforesaid.—Pursuer and defenders being present, the Lords find that the said Duncane has "verie unlauchfullie and inordourlie mellit and intrometit with the said persewairis guidis and geir," and order him to be detained in the Tolbooth of Edinburgh till he return the same.

Commissions. Fol. 30, a.

"JAMES, &c. To all and sindrie our schireffis, justiceis of peace, provestis and baillies within burgh, and to all utheris our liegeis and subjectis whome these presentis do or may concerne, and to our lovittis messingeris, &c. Forsamekle as the Lordis of our Previe Counsall hes maid choise of our auld servitour James Martine, our catour, to be provisour and furnissair of all sort of wylde and tame foullis, and of geis, grys, kiddis, butter, eggis, and of all sorte of fisheis to our house during the tyme of our aboade within our kingdome of Scotland; lyke as the said James hes adjoyned unto him selff in this chairge Mathew Lockie and Chairles Coishe, who ar weele acquaynte with that kynd of service and will assist and further him thairintill; and quhairas thir divers yeiris bigane thair hes beene a verie grite abuse intertenyit within our burgh of Edinburgh and otheris placeis of our realme be a nomber of godles and avaratious personis, regraitaris and forstalleris of mercattis, both men and wemen, who, preferring thair filthie lucre and gayne to the commounweele, doeth ly at awaite in the commoun streitis quhair the cuntrey people comes in with thair commodityis and waris, and thair buyis the same afoir thay be presentit to mercatt, convoyis the same quietlie to thair houses, and thair sellis the same in smallis to thair grittest advantage, holdeing thairby the mercatt ever emptie bothe of wylde and tayme foull, and fostering and interteyning ane grite derth of the same; and, yf ony farder way and ovirsight salbe gevin to this abuse, the tymous and dew provisioun and furnissing of our house wilbe verie far interruptit and hinderit, heichlie to our offence and to the discredite of our cuntrey, withoute remeid be providit: Our will is, &c. command, chairge, and inhibite all and sindrie personis, of quhat rank or qualitie soevir thay be, that nane of thame presoome nor tak upoun hand to ly at awaite in ony mercatt gaite or streit and foirstall, regraite or buy ony wylde or tame foullis, geis, grysse, kiddes, butter, eggis, and fisheis quhill first thay be present[it] to oppin mercatt, and, being presentit to mercate, that thay gif place to our saidis servitoris and suffer thame be first servit, under the pane of warding of the contravenaris and punisheing of thame otherwayes in thair personis and goodis at the arbitrament of our Counsell. And that yow command and chairge all our schireffis, justiceis of peace, provestis and baillies within burgh, judgeis, officiaris, and magistratis quhatsomevir, to concur and assist our saidis servitoris in all and every thing concerning thair office and chairge, alsweele by causing of thame be reddilie and thankfullie ansuerit and furneist upoun reasounable and present payment with all kynd of the provisioun abonewrittin within thair boundis as by taking, apprehending, and warding of all and sindrie personis contra-

Order against forestalling of the markets for wild and tame fowl, &c., during his Majesty's stay in Edinburgh, and for giving the first choice in said markets to James Martin, his Majesty's caterer.

Fol. 30, b.

venaris of this present proclamatioun, as thay will answer to us and our Counsell upoun the dewtifull dishairge of thair office. The quhilk to do, &c. Gevin under our Signet at Edinburgh the xxiij day of Aprile and of our reign the xv and fiftie yeiris 1617. *Sic subscribitur:* AL. *Cancellarius;* LOTHEANE; TULLIBARDINE; MASTER OF ELPHINSTOUN; Sir G. MURRAY. Decreta Jan.–Nov. 1617. Commissions.

Edinburgh, 30th April 1617.

Sederunt—Binning, President; Lotheane; Tullibardine; Carnegy; Master of Elphinstoun; Treasurer-Depute; Privy Seal; Clerk of Register; Sir James [Skeene.] Acta Mar. 1615–Aug. 1617. Fol. 96, b.

Proclamation for the peaceable behaviour of all the lieges during his Majesty's visit, and for the avoidance of all offence or irritation to the English strangers who will be in his company.

"Forsamekle as, the Kingis Majestie haveing thir [mony yeiris] bigane had a natureill longing and a most earnest desy[re to visite] this his native and ancient kingdome, quhilk had the honnour of [his] birth and the conforte of his royall presence and of his [most hap]pie governament within the same the space of div[ers yeiris bigane, his] Majesties most constant and unchangeable purpois and resolution [in that] pointe hes bene upoun divers occasionis of his most . . . and princelie affairis intervening for the tyme interrup[tit and] hinderit, sua that his Majestie could not sa soone undertak [ane jornay] and progres hither as in hairt and affectioun he wished; and now it being the pleasour of Almighty God so to dispose of his Majesties [affairis] bothe at home and abroade as, all impedimentis being removed, his Majestie [by] Godis divyne favour hes begun and in a maner accomplisheit his jornay and progres hither with most comfortable and happie successe, and is honnourablie accompanied with divers of the Counsaill, clergie, nobilitie, and otheris his goode and loving subjectis of the kingdome of England,[1] it becometh all the subjectis of this kingdome to be thankfull, first to God for the wonderfull cair and providence that he hes ever had over the Kingis Majesties sacred persone and now at last for bringing of his Majestie with so happie a successe to this kingdome, as alsua it becometh thame to be thankfull to his Majestie for the panes and travellis that his Majestie oute of his tender love and affectioun towards thame hes tane to come heir to visite thame, and in manifestatioun of thair thankfulness to his Majestie not onlie to showe all taikynnis of honnour, courtesie, hairteynes, and humanitie to the noblemen and otheris that ar in company with his Majestie, and to eshew all occasionis quhilkis may give thame just mater of greiff, offence, or displeasour, bot lykewayes every one of thame aucht to conteene thame selff in quietnes under his Majesties peace and obedience and eshew all tuilyees, insolencyis, and other swaggering behaviour tending to the breke of the peace: And thairfore the Lordis of Secreit Counsaill ordanis letteris to be direct to command, chairge, and inhibite all and Fol. 97, a.

[1] The King and his retinue had arrived at Newcastle on the 23rd of April, and were to be there, or in that neighbourhood, till the 5th of May.

Acta Mar. 1615 –Aug. 1617.

sindrie his Majesties liegeis and subjectis be oppin proclamatioun at all places neidfull that nane of thame presoome nor tak upoun hand to offer or do ony harme, injurie, oppressioun, or wrong to ony of the subjectis of the kingdome of England that ar to come heir with his Majestie, nor to mak thame provocatioun of displeasour by reprotche, word, deid, countenance, or utherwayes, under the pane of incurring his Majesteis havie wrathe and displeasour and to be seveirlie punist thairfore in thair personis and goodis withoute favour; as alsua to command and chairge all and sindrie his Majesteis saidis subjectis, of quhat estate, qualitie, degree, or condition soevir thay be, that thay conteene thame selffis in modestie, quietnes, and civile societie amongis thame selffis, and onnawayes tak upoun hand to molest, invade, persew, molest with invasive waponis, or quarrell one another for quhatsomevir deid or occasioun, especiallie during his Majesties remaining in this kingdome, under the pane of deade; certifeeing thame that sall failyee or do in the contrair that thay salbe taikine, apprehendit, and execute to the deade withoute favour."

Proclamation for the delivery of all supplications, &c., intended for the coming Parliament to the Clerk of Register twenty days before the meeting of the Parliament, so that they may be examined and passed as suitable and in due form.

"Forsamekle as, the Kingis Majestie and his Estaitis of Parliament having consideratioun of the grite fasherie and inconvenientis that occurrit and fell oute in sindrie preceiding Parliamentis by the presenting of a confused nomber of doubtfull and informall articlis, mony of thame being unreasounable and not worthie of the audience of the Parliament, and otheris being so informall that, althoght in some caise thay seamed reasounable, yitt the informalitie thairof furneist mater aneugh to reject thame, for remeid quhairof it wes statute and ordanit that all articlis and supplicationis concerning generall lawis or particulair pairtyis sould be delyverit to the Clerk of his Majesties Register tuentie dayis afoir the Parliament, to the effect he might present the same to suche of the Estaitis as sould be appointit to heir and considder the same, quhairthrow thingis
Fol. 97, b. reasounable and necessair micht he formallie maid and presentit in a booke to the Lordis of Articlis in the Parliament tyme, and all impertinent, sensless, and improper materis rejectit, and that . . . or supplicatioun wanting a speciall title or unsubscryved be the . . . sould be presentit and red as in the act of Parliament made . . . at lenth is contenit; and, seeing the soverane and heich court of Parliament of this kingdome is proclamed and appointit to be haldin now shortlie at the burgh of Edinburgh, necessair it is that the forme and ordour of presenting and ingeving of articlis and supplicationis presc[ryved be the said Act of Parliament be observed and keept: Thairfore the Lordis of Secreit Counsaill ordanes letteris to be direct chairgeing officeris of armes to pas to the mercat croce of Edinburgh and otheris placeis neidfull and thair be oppin proclamatioun to warne all personis that hes ony articlis or supplicationis to gif in to this approtcheing Parliament that thay in dew and lauchfull tyme delyver the same, bearing a speciall title and subscryvit with thair hand, to the Clerk of Register, to the

effect the same may be considderit of in maner foirsaid; certifeeing thame that failyees and gevis not in thair articles and supplicationis in dew and lauchfull tyme to the Clerk of Register, as said is, that the same sall not be ressavit, presentit, nor haldin this approtcheing Parliament." Acta Mar. 1615 –Aug. 1617.

Proclamation against killing muirfowl, partridges, &c., within ten miles of Edinburgh, or of any other of his Majesty's places of abode, during his stay in Scotland, that the game may be preserved for his Majesty's recreation.

"Forsamekle as, the Kingis Majesteis awne earnest desire and the necessair affairis of this Estaite having invited his Majestie thir mony yeiris bigane to visite this his ancient and native kingdome, and his Majestie haveing now by the favour of Almightie God almost accomplished his jornay and progres hither with most comfortable and happie succes, being honnourablie accompanied with divers of the nobilitie, Counsall, and otheris his goode subjectis of the kingdome of England, it [may] fall oute that during the tyme of his Majesties aboade in this cuntrey [his] Majestie mon some tyme haif his recreatioun, exercise, and past[yme] in the feildis; and thairfore it is necessair that the mure[foull], pairtridges, and pouttis within ten miles of the placeis of [his Majesties] aboade heir salbe preservit and cairfullie hayned for his [Majesties] pastyme and gayme: for whilk purpois ordanis letteris to [be direct] to command, charge, and inhibite all and sindrie his Majesties [lieges] and subjectis be oppin proclamatioun at the mercatt croce [of Edin]burgh and otheris placeis neidfull that nane of thame presoome [nor] tak upoun hand at ony tyme efter the publicatioun heirof to [slay] ony murefoull, pairtridgeis, or pouttis within ten myles of the [burgh] of Edinburgh and otheris pairtis of his Majesties aboade in this king[dome] during the tyme of his Majesties aboade in this kingdome during [the] tyme of his Majesties being within the same, under the pane of ane [hundreth] pundis to be incurrit be every persone or personis contra[veening] this present act, sa oft as thay sall failyee; quhilk failyee salbe [tryed be] oathe or be witnesis as accordis; and, whairas the personis [contravee]ning ar not able to pay the said sowme, thay salbe punist in thair personis by wairding and feiding upoun breade and watter [at the] arbitrament of his Majesties Counsall; and to command and chairge the magistratis to burgh and land and all justiceis of peace, every [ane of] thame within thair awne boundis, to haif a speciall cair and regaird that this present act be preceislie keept, and that thay appoint searcheoris and visitoris to try quhair and be whome the same is violat and brokin, and to notifie thair names to his Majesties Thesaurair or Thesaurair Depute, to the effect the contraveenaris may be callit and punist accordinglie." Fol. 98, a.

[Sederunt as recorded above.]

Edinburgh, 30th April 1617.

Decreta Jan.–Nov. 1617. Fol. 51, a.

Suspension of hornings against David

Complaint by David Lindsay of Edzell, Harie Lindsay, Andro Stratoun, William Home, and Thomas Lindsay, his servitors, as follows:—They are

Decreta Jan.–Nov. 1617. Fol. 51, b.

informed that they have been at the horn for a long time for not having appeared before the Council in answer to the charge of "the umbeseting and slaying of umquhill Alexander, Lord of Spynie," within the burgh of Edinburgh.[1] "It is of veritie that, as the saidis complenaris are sorie frome thair hairtis for that unhappie accident of the slauchter of the said umquhill Lord of Spynie committit be thame as said is, so is it of treuth that thay haif gevin assythment to the bairnis and freindis of the said umquhill Lord of Spynie, and hes procureit from thame ane letter of slanes, quhairupoun his Majestie hes bene gratiouslie pleasit to grant his Heynes remissioun unto thame." They have found caution in these sums to appear this day,—the Laird of Edzell in 1000 merks, and the others in 500 merks each. The gift of their escheat is disponed to David, Lord Carnegy, one of the Senators of the College of Justice.—Pursuers appearing, and the Lord Advocate appearing by Mr Thomas Hendirsoun, the Lords suspend the process of horning for the abovenamed reasons; which have been verified by the production of (*a*) a letter of slanes dated 6th and November 1616, subscribed by Alexander, now Lord of Spynie, and Mistress Margaret Lindsay, his sister, children of the deceased Lord, "with advise of thair curatoris, and be the said Lord of Spynie as takand the burding on him for his said suster and for the haill remanent of thair kin, freindis, allya, and brancheis, bothe of fader syde and moder syd," and (*b*) the royal remission, dated at Whytehall on 7th March last.

Lindsay of Edzell, Harry Lindsay, and others for their concern in the slaughter of Lord Spynie in the year 1607.

Fol. 52, a.

Complaint by Williame Cwnynghame, servitor to Sir Richard Cokburne of Clerkingtoun, Keeper of the Privy Seal and one of the Senators of the College of Justice, that Hectour M'Clayne of Dowart remains unrelaxed from a horning of 3rd April instant for not paying to him, as assignee of the late Alexander Cunynghame of Craganis, the sum of 850 merks and interest at ten per cent., amounting in all to £1020.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against Hector Maclean of Duart for debt to William Cunningham.

Fol. 52, b.

Complaint by Thomas Marjoribankis of Ratho that Andro Johnnstoun in Marjoribankis remains unrelaxed from a horning of 20th March last for not removing himself and family from the lands of Marjoribankis and pertinents thereof.—Pursuer appearing by Patrik Kynnynmonth, and defender not appearing, there is order to the Captain of the Guard as above.

Caption against Andrew Johnston at the instance of Marjoribanks of Ratho.

Fol. 53, a.

Complaint by Mr James Lawtie, advocate, that Sir James Creichtoun of Ruthvenis, knight, remains unrelaxed from a horning of 23rd January last for not paying £178 English money as principal and £20 English as expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard as above.

Caption against Crichton of Ruthvens for debt to Mr. James Lawtie.

Fol. 53, b.

Complaint by Johnne Dowglas, servitor to the Laird of Spot, that Sir James Creichtoun of Ruthvenis remains unrelaxed from a horning of

Caption against the same for debt to John Douglas.

[1] See vol. VII. p. 383 and footnote there; also vols. VIII. and IX. by the Indexes.

same date for not paying to him, as assignee for Elias Tailyeour, goldsmith at Chirling Croce in Lundone, £142 sterling of principal and £20 sterling of expenses.—Pursuer appearing by Mr Johnne Sandielandis, and defender not appearing, there is order to the Captain of the Guard as above. Decreta Jan.-Nov. 1617.

John Allan, tailor in the Potterrow, against William Nimmo, deacon of the tailors of Edinburgh, and Thomas Finlay, their box-master, for illegal arrest.

Complaint by Johnne Allane, tailor in the Potterraw, as follows:—On April instant, pursuer, "haveing come furth of his awne house in the Potterraw to the burgh of Edinburgh with some few clotheis whilkis he had mendit in his awne house, and being walking upoun the streit of the said burgh," was apprehended by Williame Nemo, deacon of the tailors of the said burgh, and Thomas Finla, their "box maister," who are private persons with no authority, and was carried by them to the Tolbooth, "at thair awne handis, as gif thay had bene magistratis." Moreover they have exacted from him before a judge, without lawful trial, the sum of £10, and have ordered him not to "worke to ony persone without exceptioun within the said burgh" under the pain of £40 and "perpetuall banischement frome the toun." Pursuer is detained because he will not accept these conditions or acknowledge such authority, "quhairof no craft within this kingdome is capable."—Pursuer appearing personally, and defenders, and Archibald Adamesoun, one of the baillies of Edinburgh, also appearing, and it having been urged by this last that the cause of pursuer's detention was "for not finding of lawsouirtie to ane honnest man of the said burgh," the Lords order the magistrates to liberate pursuer, "he first finding cautioun of lawsouirtie conforme to the ordinance and directioun gevin to him be the saidis bailleis to this effect." Fol. 54, a. Fol. 54, b.

Dress for the heralds.

"Ane warrand for delyverie to everyone of the herauldis pursevantis ij^{c} merkis for bying of cloathis to the Parliament." Sederunts. Fol. 10, a.

Missives to various burghs.

"Missives to Perth, Dundee, Monrois, Forfair, Brechin, [and Monrois] anent provisioun of viveris for his Majesteis interteynment and his tryne in thair tounis."

Edinburgh, 3rd May 1617.

Sederunt—Chancellor; Treasurer; President; Master of Elphinstoun; Treasurer-Depute; Clerk of Register; Sir James Skeene. Acta Mar. 1615-Aug. 1617. Fol. 98, a.

Proclamation that all boatmen and owners of boats at Dundee keep their boats at the ferry there for the transport of his Majesty and those attending him in his journey from

"Forsamekle as the Kingis Majestie hes resolvit, God willing, in his jorney and progres through this cuntrey, to repair fra Falkland towardis Dundee upoun Weddnisday the xxj day of Maij instant, and upoun Friday the penult of this instant to returne bak frome Dundee towardis Falkland; and, becaus his Majestie will haif a grite nomber of noblemen and otheris personis of rang and qualitie attending his Majestie, besydis a grite multitude of cariage, whilkis in thair going and comeing to and fra Dundee the dayis foirsaidis mon all be transportit at the ferrey at Dundee, necessair it is that the haill boittis at the southe and northe

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ferreyis meete and able for transporte of men, horsse, and baggage remane and attend at the ferreyis of Dundee for the transporte of his Majestie, his tryne, and cariage: And thairfore ordanis letteris to be direct chairgeing the awnaris, skipparis, marineris, and boitmen of the haill boittis at the southe and northe ferreyis that thay and everyone of thame attend his Majesteis service, in the transporte of his Majestie, his tryne, and cariage at the ferreyis of Dundee in his Majesteis comeing to Angus, the tyme of his Majesties remaning thair, and in his returne and comeing bak agane, and that nane of the saidis awnaris, skipparis, boitmen, nor feryaris neglect this service nor go with thair boitis to the fisheing nor nò uther voyage, bot cairfullie attend this service as said is, under the pane of rebellioun and putting of thame to the horne; certifeeing thame that sall failyee and absent thame selffis and onnawayes attend the service foirsaid that not onlie sall thay be denunceit rebellis and putt to the horne, bot utherwayes with that thay salbe takine, apprehendit, and wairdit and otherwayes punist at the discretioun of the Counsall." Falkland to Dundee and back.

"Forsamekle as in every schirefdome quhair his Majesteis progres will ly during his Majesteis aboade in this kingdome ordour is tane for lifting and caryeing of his Majesteis cariage be the inhabitantis of the particulair parrocheis of the shyre, and some constablis ar appointit in everye parroche to caus the horsse and cairtis of the parroche be in reddynes at the tymes and placeis to be appointit; and becaus this service wilbe fasheous and troublesome to the constablis and draw thame fra attendance upoun thair awne affairis and service: Thairfore the Lordis of Secreit Counsaill hes allowit unto thame and to the general constablis for the haill shyre tua pennyis to be tane of everie horsse hyre that sall serve his Majestie in his cariage, to be distributit amongis the saidis constablis at the sight of the maister of his Majesteis cariage." Allowance to the constables charged in parishes and shires with the business of having horses and carts ready for the conveyance of his Majesty's luggage.

Warrant to Sir Gedeone Murray, Treasurer-Depute, to pay a further sum of £10,000 to Sir Henry Wardlaw for the furtherance of the works at Haliruidhous, Striviling, Warrant for £10,000 to Sir Henry Wardlaw.

Fol. 98, b.

"Forsamekle as, for removeing of all questioun and contestatioun that may ryse betuix the maister of his Majesteis cariage and his servandis, on the one pairt, and the awnaris of the horsse and cairtis that sall serve his Majestie in this cariage, on the other pairt, anent the payment of thair wageis according to the nomber of the myllis quhair thay ar to serve, the Lordis of Secreit Counsell hes sett doun the particulair nomber of the mylles within the boundis quhair his Majesteis first progres will ly, according quhairunto the said maister of the cariage sall pay for his Majesteis cariage and no otherwayes,—that is to say, frome Beruick to Dunglas fyfteene myllis, frome Dunglas to Seytoune auchteene myllis, frome Seytoun to Edinburgh sevin myllis, frome Edinburgh to Leith ane myle, frome Bruntyland to Falkland tuelf myllis, frome Kinghorne to Falkland ten myllis, frome Kirkcaldy to Falkland aucht myllis, frome Measured distances from point to point in his Majesty's proposed route after entering Scotland, for regulation of the mileage-charges to be paid for the horses and carts employed in conveying his luggage.

Levynnismonth to Falkland sax myllis, frome Falkland to the ferrie of Dundee tuelff myllis, frome Dundee to Kinnaird auchteene myllis, frome Dundee to Brechine saxteene myllis, frome Brechine to Monrois fyve myllis, frome the burgh of Monrois to Kynnaird foure myllis, frome Auld Monrois to Kynnaird tua myllis, frome Dundee to Monrois tuentie foure myllis, fra Falkland to Perthe ten myllis, frome Perth to Forfair tuentie foure myllis, frome Forfar to Kynnaird ten myllis, frome Forfar to Brechine aucht myllis." Acta Mar. 1615–Aug. 1617.

Order anent the carrying of his Majesty's luggage from Dunglass to Seton.

"Forsamekle as, in the ordour tane be the commissionaris and justiceis of peace within the Constabularie of Hadingtoun for lifting of his Majesteis cariage at Dunglas upoun the xv day of Maij instant and caryeing the same thairfra to Seytoun, thay haif particularlie sett doun the nomber of cairtis that every parroche within the said Constabularlie sall furneis, and thay haif nominat constablis for every parroche quho salbe ansuerable that the horsse and cairtis of the parroche salbe in reddynes at the tyme and place appointit:—that is to say, the parrochine of Auldhamestokkis, [quhair] Robert Ridpeth and George Wallace ar constablis, tuelff cairtis; [the par]rochine of Innerweeke, quhair Adam Heriott is constable, threttene [cairtis]; the parrochine of Spott, quhair Johne Manderstoun and Henry For[toun ar] constablis, ten cairtis; the parrochine of Dumbar, quhair Johne [Kellie], [Johne] Gulleane, and David Liddell ar constablis, fiftie cairtis; the parrochine of Stentoun, quhair James Patersone is constable, sax cairtis; the parrochine of Quhittinghame, quhair Johne Mure and James Downy ar constablis, . . cairtis; the parrochine of Garvall, quhair James Diksoun and Philp Nis[bett] ar constablis, ten cairtis; the parrochine of Barro, quhair Williame Geddes is constable, sevin cairtis; the parrochine of Morhame, quhair [Archi]bald Diksoun is constable, foure cairtis; the parrochine of B[othane], quhair Johne Hay and Robert Boyd ar constablis, tuelff cairtis; the parrochine of Bowtoun, quhair Williame Gottray is constable, sax cairtis; the parrochine of Saltoun, quhair George Stanehous and Robert [Mervingstoun] ar constablis, tuelff cairtis; the parrochine of Pencaitland, quhair [Adame] Johnestoun and Andro Huntar ar constablis, tuentie fyve horsse; the parrochynnis of Humbie and Keythe, quhair Harie Skiving and Johne [Rae] ar constablis, sevin cairtis; the parrochine of Ormestoun Fol. 99, a.

. . . . . .

and Soultray, quhair Alexander Borthuik is constable, foure cairtis; the parrochine of Tranent, quhair Robert Seytoun, George Seytoun, George Robiesoun, Alexander Turnbull, and James Balfour ar constablis, fourty cairtis; the parrochine of Prestoun, quhair James Hammiltoun and James Newtoun ar constablis, tuentie cairtis; the parrochine of Abirlady, quhair Patrik Cryistesoun and Williame Horsburgh ar constablis, auchteene cairtis; the parrochine of Gullane, quhair Patrik Congiltoun and Henry Cauldcleugh ar constablis, threttie cairtis; the parrochine of Northberuick, quhair Henry Andersoun and David Foullair ar constablis, tuentie cairtis; the parrochineris of Quhytekirk, quhair Adam Lermonth and Thomas Bowy ar constablis, aucht cairtis; the parrochine of Tynninghame aucht

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cairtis; the parrochine of Prestounkirk, quhair James Dugeoun and Richaird Ramsay ar constablis, tuentie foure cairtis; the parrochine of Haddingtoun, quhair George Frasair, Johne Diksoun, and Robert Spens ar constablis, fiftie cairtis; the parrochine of Alstanefoorde, quhair Johne Baptie and George Veitche ar constablis, three cairtis:—and for every cairt thay haif appointit three horsse, and thay haif nominat Williame Huttoun Martine in Morhame and David Smithe in East Fentoun to be generall constablis for the haill Constabularie, unto whome the maister of his Majesteis cariage sall mak his addresse, and thay to be ansuerable that the constablis appointit for every parroche sall caus the nomber of horsse and cairtis appointit for every parroche be in reddines for lifting of his Majesteis cariage as said is, as in the ordour sett doun be the saidis justiceis of peace to this effect at lenth is contenit," &c., *as in the preceding entry anent the sheriffdom of Berwick*, ante, *p.* 88.

Fol. 99, b.

"Forsamekle as the justiceis of peace within the schireffdome of Edinburgh principall, according to the warrand and directioun gevin unto thame be the Lordis of Secreit Counsall, hes tane particulair notice of the nomber of furneist cairtis and horsse for cariage that every parroche within the said schirefdome may conveniently furneis for lifting and caryeing of his Majesteis cariage fra the place of Seytoun to his Majesteis palace of Haliruidhous, and hes maid and presentit unto the saidis Lordis ane roll of the saidis parrocheis contening the nomber of horsse designit to every parrochine with the names of suche personis as ar appointit constablis in the parroche to haif the chairge and commandiment to caus the horsse of the parroche be in reddines for lifting of his Majesteis cariage at the tymes and placeis to be appointit and condiscendit upoun in maner efterspecifeit:—to witt, for the parrochine of Musilburgh, quhair Henrie Calderwode and Robert Dowglas ar constablis, fourtie furneshit cairtis, four horsse at the leist, in every parroche (viz., twentie furneisht cairtis for the toun of Musilburgh, ten for that part of the parrochine thairof, and ten for the toun and landis of Causland within the said parrochine); the toun and parrochine of Dalkeith, quhair

Similar order anent the conveyance from Seton to Holyrood-house.

is constable, sex furneshit cairtis with four horsse in ilk cairt (lyke as the saidis justiceis of peace findis it expedient that the said toun of Dalkeith and parrochine thairof be burdynit with the nomber of four furnisht cairtis mae); the parrochine of Newbotle, quhair Patrik Henrie is constable, four furneisht cairtis and four horsse in every cairt at leist, and ten uther horsse; the baron[i]e of Bruchtoun and regalitie thairof, quhair James Craufurde is constable, aucht furnisht cairtis and fyve horsse in ilk cairt; the baron[i]e of Innerleith, quhilk is within the parrochine of St. Cuthbert, quhair Alexander Yule is constable, foure furnesheit cairtis and foure horsse in ilk cairt; the landis of Ravilstoun, quhair the said Alexander is also constable, ane cairt with four horsse; the landis of Orchardfeild within the said parrochine also, quhair the said Alexander is constable, tua horsse; and the south syde of St. Cuthbertis parrochine, quhair Archibald Listoun [is] constable, tuentie horsse; the

parrochine of Dudingstoun, quhair George Craig in Eister Dudingstoun is constable, three furneisht cairtis, and four horsse at the least in every cairt; the parrochine of Lib[ertoun], quhair Williame Archibald is constable, tua furnisht cairtis with [horsse] in ilk cairt, and uther tuentie horsse; the parrochine of Kirk[newtoun] and Birnwp, quhair Johne Andersone, smith, is constable for Kirknewtoun [and] Johnne Cunninghame for Byrnap, tuelff cairtis with tua horsse [in ilk] cairt; the parrochine of Rosline, Glencors, and Hoipes, quhair [Andro Abir]nethie, and Simon Abirnethie, his bruther, ar constablis, threescoir [horsse]; the parrochine of Caringtoun and Cokpen, quhair Johne Megat is constable, . . . horsse; the parrochine of Haillis, quhair Johne Borthuik is constable, tuen[tie horsse]; the parrochine of Currie, quhair Johne Cuninghame and Johne Aird ar constablis, tuentie horsse; the parrochine of Borthuik, quhair Robert Diksoun is constable, fourteene horsse; the parrochine of Crichtoun, quhair James Hepburne is constable, tuentie horsse, and Heriot parrochine, quhair James Pringle [in] Hereot Mylne is constable, tuelff horsse; the parrochine of Tempill [and] of Clerkingtoun and Morphett, quhair Williame Edmistoun and Robert [Drew in] Esperstoun ar constablis, saxteene horsse; the parrochine of C . . . . , quhair George Cairnes is constable, aucht furneisht cairtis, with four [horsse to] ilk cairt; the parrochine of Crawmond, viz., for the [boundis] of Eist[er and] Wester Grantonis, Piltoun, Murehous, Eister and Wester Drylawis, Ovir and Nether . . . . . landis of Laurestoun and Cammo, quhair Alexander Howiesone in Ovir Cramond and Thomas Horne in ar constablis, four horsse; the parrochine of Ratho, quhair David Wilsoun in Bonytoun and James Mure in Dalmahoy ar constablis ; the parrochine of Calder, quhair Johne Johnestoun, maisser, is constable, the landis of Caldercleir, quhair Johne Smith in Auchnomsheillis is constable, tuentie horsse; the landis of Nether Gogour, quhair James Craufurd is constable, foure horsse:—and forder the saidis justiceis of peace hes injoynit and ordanit the tounis, parrochynnis, and personis following to have in reddines the cairtes and horsse particularlie abonementionat,—thay ar to say, the toun, landis, and parrochine of Natoun, viz., the heritoris, fewaris, takkismen, and tennentis of the landis of Edmestoun, . . . , Natoun, and Schirefhall, foure furnisht cairtis, and David Edmistoun constable thair; the toun and landis of the Deane and Watter of Leith, sex horsse, and Patrik Wilsoun in the Deane constable thair; the fewaris, vassallis, and takkismen of the landis of Restalrig and heritoris thairof, four furneisht cairtis, and nominatis Alexander Broun constable; Sir Johne Prestoun of Pennycuik and his bailleis for the toun, lands, and barony thairof, tuentie horsse, and nominatis Johne Pennycuik in Pennycuik constable thair; Sir George Forrest[er], fear of Corstorphin, for the toun, landis, and barony thairof, tuentie four horsse, and nominatis Johne Rankine constable thair; Mr Johne Nicolsoun for

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the toun and landis of Lessuad and Poltoun pertening to him, tuelff horsse, and the uther syde of Poltoun four horsse, and the rest of the landis of Lessuad four horsse, and Johne Clerk constable thair; the Ladie Ros and Lord Ros and Sir Robert Melvill of Bruntyland, hir spous, for the toun and landis of Melville and Stanehous, sex horsse, and for the landis of Pendreich sax horsse, and ordanis Andro Landell to be constable thair; and also ordanis Mr Gawane Nisbett for the baronie of Prestoun to haif in reddines in name of the Laird of Craigmillair tuelff horsse, and Johne Vernor of Auchindynie constable: the haill nomber of cairtis extending to ane hundreth cairtis and the haill nomber of horsse extending to four hundreth auchteene horsse: The whilkis haill four hundreth and auchteene horsse, by the hundreth furneist cairtis, ordanis that thay come providit, some with traysis, eyrtedderis of yron, with cairtis saddelis on thair bakis, with cordis, and no uther wayes; and the saidis justiceis of peace hes ordanit Johne Broun in Gorgie Mylne and Walter Broun in Musilburgh generall constablis of the said haill schirefdome to haif the cheif cair and commandiment of this present service over the rest of the constablis within the particulair parrocheis abonewrittin of the said schirefdome, as the actis and minutis maid and reportit in this mater at lenth beiris," &c.—*The entry concludes with some sentences on the proclamation of this ordinance, and on the penalties for disobedience, as in similar entries already printed,* ante, p. 88 and p. 115.

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Similar order for the conveyance from Dundee to Kinnaird and back.

"Forsamekle as, the commissionaris and justiceis of peace within the schirefdome of Forfar, according to the warrand and directioun send unto thame be the Lordis of Secreit Counsall, hes tane and set doun ane verie formall and solide ordour and course how his Majesteis cariage [may be] transportit fra Dundee to Kynnaird, and bak agane fra Kinnaird to [Dundee], in maner following,—to witt, thay haif considderit that thair wilbe sindrie cariages required necessarlie for his Majesteis service within the said schirefdome and frome the burgh of Montrois and the Pow of

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Montrois to Kinnaird for transporting of timber, coalis, wyne, aill, and beir to the furnitour of his Majesteis house at Kynnaird, and uther frome the burgh of Dundee to Kinnaird, and the thrid cariage bak agane frome Kynnaird to Dundee; and, for the transporting of the cariage foirsaid frome the burgh of Montrois to the Pow of Montrois by sea, hes appointit the magistratis and inhabitantis of the said burgh to haif the chairge thairof and to be ansuerable thairfoir, quhairunto David Guthrie, commissionair for the said burgh, hes assentit in name of the magistratis thairof: lyke as the saidis justiceis of peace hes appointit the baronis, gentlemen, and inhabitantis within the parrocheis underwrittin to furneis the nomber of horsse and cairtis underspecifeit to the said cariage, ilk person under the pane of ane hundreth pundis money of this realm,—viz., the parrochine of Maretoun, tuelff cairtis xxiiij horsse; the parrochynnis of Inchebrayok and Donynald, tuentie cairtis and xl horsse; the parrochine of Logy Montrois, nyne cairtis and xviij horsse; the parrochine of Dun, ten cairtis and xx horsse; the parrochine of Perth, nyne cairtis xviij horsse; the

parrochine of Stracathrow, nyne cairtis xviij horsse; the parrochine of Edzell, sax cairtis tuelff horsse; the parrochine of Dunloppie, four cairtis aucht horsse; the parrochine of Fernall, tuelff cairtis xxiiij horsse; the toun of Brechine, tuentie cairtis and fourtie horsse; the parrochine of Kinnaird, sax cairtis tuelf horsse,—and hes nominat the personis underwrittin of thair nomber to haif the chairge and cair of this service within the particulair parrochynnis *respective* efterspecifeit,—viz., Andro, Bishop of Brechine, within the parrochynnis of Fernall, Strathcathrow, and Perth; the bailleis of Brechine, within the toun of Brechine; Sir Johne Carnegy of Athie, knicht, within the parrochynnis of Kinnaird, Dwn, and Logy Montrois; David Collace of Kirkhillis, within the parrocheis of Edzell and Dwnloppie; Archibald Wod of Craig, within the parrochynnis of Maretoun and Inchebroyok: Syclyke the saidis justiceis of peace hes appointit the baronis, gentlemen, and inhabitantis within the parrochynnis undermentioned to furneis the nomber of cairtis and horsis underwrittin to the said cariage, to be liftit at the burgh of Dundee and transportit thairfra to Kinnaird, ilk persone under the pane of ane hundreth pundis money of this realme,—viz., the inhabitantis of the parrochine of Kettinis, tuentie cairtis and xl horsse; the parrochine of Lundee, sax cairtis and tuelff horsse; the parrochine of Newtyld, tuelff cairtis xxiiij horsse; the parrochine of Auchterhous, fourteene cairtis xxviij horsse; the parrochine of Tailling, tuelff cairtis xxiiij horsse; the parrochine of Strikmartine, sax cairtis tuelff horsse; the parrochine of Liff, Innergowrie, and Logy, auchteene cairtis threttie sax horsse; the parrochynnaris of Dundee, saxteene cairtis xxxij horsse; the parrochynnis of the Maynis, ten cairtis xx horsse; the parrochine of Morrois, tuelff cairtis and xxiiij horsse; the parrochynnaris of Monyfoothe, auchteene cairtis and xxxvj horsse; the parrochynnaris of Moneikie and Kirkbuddo, tuentie four cairtis xlviij horsse; the parrochynnaris of Barry, aucht cairtis xvj horsse; the parrochynnaris of Panbryd, fyfteene cairtis and xxx horsse; the parrochynnaris of Carmylie, aucht cairtis and xvj horsse; the parrochynnaris of Arbirlitt, tuentie cairtis and xl horsse; the parrochinnaris of St. Vigeanis, tuentie cairtis and xl horsse; the parrochinnaris of Innerkelour, tuentie cairtis and xl horsse; and the parrochynnaris of Inneraritie, aucht cairtis xvj horsse: Lyke as the saidis justiceis hes nominat the personis underwrittin of thair nomber to haif the charge and cair of the service within the particulair parrochynnis afterspecifeit,—viz., James Haliburtoun of Pitcur, within the parrochynis of Kettins, Newtyld, and Lundee; Thomas Wentoun of Strikmartyne, within the parrochynnis of Strikmartyne and Auchterhouss; the constable of . . . . . .

. . . . . ;

Fotheringhame of Powrie and Sir William Grahame of Claverhous, within the parrochynis of Tealing, Murrois, Moneikie, and Inneraritie; William Auchinleck of Wodhall, within the parrochine of Barry; the laird of Guthrie, within the parrochynis of Guthrie, Carmylie, and Panbrid; Hary Wode of Bonytoun, within the parrochynnis of St. Vigeance and Arbir-

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lett; Sir Johne Carnegie of Athie and the Laird of Craig, within the parrochynis of Innerkelour and Lowinane. Mairover the saidis justiceis hes appointit the cariage frome Kinnaird and Brechine bak agane to Dundee to be furneist be the baronis, gentilmen, and inhabitantis within the parrochynis efterspecifeit, ilkane of thame for thair awne pairtis under the pane foirsaid,—viz., be the parrochynnaris of the parrochine of Essie, aucht cairtis xvj horsse; the parrochynnaris of Navay, sevin cairtis xiiij horsse; be the parrochynnis of Nather Airlie, fyfteene cairtis xxx horsse; the parrochynnis of Ruth[etvins ?], four cairtis aucht horsse; the parrochynnaris of Glenyla, tuelff cairtis xxiiij horsse; the parrochynnaris of Glames, fyfteene cairtis xxx horsse; the parrochynnaris of Kennettlis, ten cairtis xx horsse; the parrochynnaris of Mathie, aucht cairtis xvj horsse; the parrochynnaris of Forfar, tuentie cairtis and xl horsse; the parrochynnaris of Keremure, fyftene cairtis xxx horsse; the parrochynnaris of Kincadrum, ten cairtis xx horsse; the parrochynnaris of Clova and Cortoquhy, tuelff cairtis or tuentie four horsse with creillis; the parrochinnaris of Dunichine, tuelff cairtis xxiiij horsse; the parrochynnaris of Idvie, tuelff cairtis xxiiij horsse; the parrochynnaris of Rescovie, tuelff cairtis xxiiij horsse; the parrochynnaris of Kinnell, tuelff cairtis and xxiiij horsse; the parrochynnaris of Aberlemno, fyfteene cairtis xxx horsse; Memmwre, ten cairtis xx horsse; Ferne, ten cairtis xx horsse; the land parrochine of Brechine, tuentie cairtis xl horsse; the parrochynnaris of Fynnetoun, ten cairtis xx horsse; and be Tannades sexteene cairtis xxxij horsse. Lyke as the saidis justiceis hes nominat the said Sir Williame Fullertoun to [haif] the chairge of this service within the parrochynis of Essie, Nevay, [and] Nather Airlie; the said Sir James Creichtoun within the saidis parr[ochynnis] of Ruthvenis, and Glenyla; the said Thomas Ogilbie of that Ilk [within] the saidis parrochynnis of Glames and Kinnetles; the said David . . . of Kincaldrum within the saidis parrocheis of Forfar and Mathie; the said Sir Johne Ogilbie of Innerquharitie within the parrochinnis of [Kere]mure and Kilcaldrum; James Ogilbie of Clova within the par[rochinnis] of Clova and Cortoquhy; the said Robert Carnegy of Dunichin within the parrochynis of Dunichin, Idvie, and Rescovie; the said Robert . . . of Balnamone within the parrocheis of Kinneill and Abirlemno; the [said] David Collace of Kirkhillis within the parrochynis of Menmure and . . .; the said Andro, Bishop of Brechine, within the land parrochine of [Brechine]; and Patrik, Bishop of Ros, within the parrochynis of Fynnetoun and [Tan]nades. And for the better furtherance of the said service the saidis justiceis of peace gevis power to ilk of thair nomber abonewrittin to nominat, creat, and appoint constablis within the severall [parro]cheis abonenominat committit to thair chairge, and to tak thair o[athis] for faithfull administratioun of thair officeis within the bo[undis

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. . . . . furnishit within the boundis of thair office . ., upoun adverteisment to be maid and gevin to thame be the principall constablis underwrittin. Lyke as the saidis justiceis of peace hes nominat Johne

Ogilbie, baillie depute of the regalitie of Keremure, and James Broun in Newbiging tua principall constablis who salbe ansuerable to the maister of [his Majesteis] cariage that thay sall caus the uther constablis in every parrochine haif their cairtis and horsse in reddines, as thay salbe adverteist,—viz., the said Johne Ogilbie to be ansuerable for the reddynes of the cariage to be liftit at Kinnaird and transportit to Dundie, and the said James Broun to be ansuerable for the cariage to be liftit at Dundee and transportit to Kinnaird. And the said Johne Ogilbie, being present, hes acceptit the said chairge upoun him, as in the act and ordinance maid and sett doun be the saidis justiceis of peace to this effect at lenth is contenit. And, whereas it is exspectit that the parrochynnaris of the parrocheis *respective* and townis particularlie abonewrittin will in dew and lauchfull tyme send oute thair cairtis and horsse sufficientlie providit for lifting of his Majesteis cariage, at Dundee upoun Thurisday the xxij day of Maij instant and for caryeing of the same thairfra to Kinnaird, and for lifting of the cariage at Kinnaird upoun Thurisday the xxix day of this instant and caryeing of the same thairfra bak to Dundee, nevirtheles,—&c. *The entry concludes with a reference to the penalty to be imposed in case of disobedience, as in similar preceding entries.*

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Edinburgh, 3rd May 1617.

[Sederunt as recorded above.]

Decreta Jan. Nov. 1617. Fol. 54, b.

Caption against Rhynd of Carse at the instance of the Chamberlain of St. Andrews.

Complaint by David Wood, chamberlain of Sanctandrois, that Johnne Rynd of Cars remains unrelaxed from a horning of 16th November last for not finding caution for pursuer's indemnity in the sum of £1000.—Pursuer appearing by Johnne Narne, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Edinburgh, 7th May 1617.

Sederunt—Chancellor; Lotheane; Binning; Master of Elphinstoun; Treasurer-Depute; Clerk of Register; Advocate; Ridhous; Sir Alexander Drummond; Sir James Skeene; M^r^ Peter Rollok.

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Charge to the Magistrates of Burghs along his Majesty's route in Scotland to assist Mr. Ryder, his Majesty's principal harbinger, and his aids, in providing the necessary lodgings and stabling for his Majesty's retinue.

"Forsamekle as, M^r^ Rydair, his Majesteis principall harburgeir, Oliphant Donnaldsoun, Johnne Johnnestoun, Thomas Gelletlie, Alexander Johnnestoun, and Johnne M^c^Millane, his aidis, being directit and imployit to mak dew and tymous provisioun of ludgeingis and stabillis for his Majesties tryne and followaris in all the townis and pairtis of this kingdome quhair his Majesteis jornayis and progres will ly, it is verie requisit and necessair that not onlie thay gett obedyence in the saidis boundis and that all personis haveing ludgeingis and stabillis mak thame patent and reddy for his Majesteis tryne; bot, quhair oppositioun is maid unto thame by the wilfull and undiscreit refusaill of ony personis to harbour and ludge his Majesteis tryne, that the saidis harburgiers crave the concurrence of the magistratis of the saidis townis to caus thame be conformable: Thairfoir ordanis letteris to be direct chargeing the provestis and baillies of all the burrowis and townis quhair his Majestie is

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to ly at his being in this cuntrey to concur and assist the said Mr Rydair and his aydis foirsaidis in all and every thing concerning thair charge and service; and, whereas refusall is maid unto thame to mak ony ludgeingis or stabillis patent for ressaveing of his Majesteis tryne, that the saidis provest and bailleis concur and assist with the harburgiers in making of oppin duris and useing of his Majesteis keyis, as thay will ansuer to his Majestie and his Counsell upoun thair office and obedyence at thair uttermost charge and perrell."

Royal proclamation from Alnwick for regulation of the manner of dealing with such private suits and supplications as may be addressed to his Majesty while he is in Scotland, with prohibition of all petitions for the pardon of state-criminals, and assurance that his Majesty will not show favour to fraudulent debtors and bankrupts.

"Forsamekle as, the Kingis Majesteis vehement and unchangeable desyre these mony yeiris bigane to visite this his native kingdome after infinite disswasionis and diversionis constantlie overcome being broght to that happie end whilk his Majestie hes long wished, his Majestie is persuadit that nane who have juditiouslie considderit the course of his Majesties procedingis during the long and prosperous reignn whilk God hes grantit unto his Majestie beyond onie christeane monarche who lived these mony . . . will imagine that his Majesteis jornay hes beene so mutche intend[it for his] Majesteis pleasour and recreatioun as for the goode of his loveing and . . . subjectis,—of whose grevis and harmes his Majestie is so trewlie sens[ible], as knoweing that mony of thame whose obedyence and affectioun . . weele deserved that thay sould be maid pairttakaris of his Majesteis j[ustice] and bountye have by seiknes, pouirtie, or suche other impedimentis beene unable to come to the pairtis of his Majesteis residence in England to [pro]pone to his Majestie thair humble desiris concerning the publict . . . of the cuntrey or thair awne laughfull particularis, or to present [to his] Majestie thair just complaintis,—his Majestie resolved to undergo [the] toyll of a lang and pane-

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full jornay to offer and gif to thame [re]dresse of ony injurie thay have susteyned, with the effectis of [thair] best projectis for the universall goode of this kingdome bothe in Kirk and Commounwelthe, for the performeing quhairof his Majestie intendis to bestow the most of the tyme of his residence in this kingdome with the Lordis and otheris of Previe Counsell and at the meiting of the Lordis of Articlis and Esteatis of Parliament: wherin his Majestie can not be able to prosequute and bring to perfectioun his best deseynis yf his Majestie salbe interrupted and diswaidit by importunitie of privat suitaris who, onlie respecting thair particulair and mony tymes unreasounable endis, do disturb his Majesteis most serious and important affairis to the prejudice of the whole estate: For remeid of these and mony otheris inconvenientis, and to the effect that all who have laughfull petitionis, suitis, or complaintis may find goode and timelie dispatche of thair bussynes, and that importune and unreasounable suitaris may not be admittit untymelie to trouble his Majestie and hinder the goode progres of the affairis of the Estate, his Majestie hes appointit and sent in roll to his Majesteis Chancellour the names of a nomber of his Previe Counsaill and Sessioun to conveene daylie so long as his Majestie is at Edinburgh, and at his Majesteis being at otheris tounis and placeis of the cuntrey that suche of his Previe Counsell as salbe at his Majesteis Courte for the tyme

sall, togidder with the Maister of his Majesteis Requestis, dalie meete and ressave the petitionis and complaintis of all laughfull subjectis at suche tymes and placeis as the Erle of Dunfermelyne, his Majesteis Chancellair, the Erll of Mar, his Majesteis Thesaurair, or the Lord of Binning, President of the Secreit Counsaill and Sessioun, sall appointe, thair to considder the qualitie of the complaintis and petitionis, and, quhair thay find the mater to require his Majesteis awne knowledge and determinatioun, that thay remitt thame to the Maister of Requestis to be presented to his Majestie at convenient times, whairof his Majestie meanis to haif speciall cair and to gif thame speedie and goode dispatche. And, whair the materis salbe found competent to the Secreit Counsaill or otheris ordinair judgeis, his Majesteis pleasour is that the judgeis competent tak goode and tymelie ordour thairwith, bot, yf thay find the petitionis and complaintis impertinent or unreasounable, that thay command the pairtyis to desist and reteir to thair awne duellingis, making alwayes some recorde or note in write of the substance of the petitioun and of thair answer gevin unto it, and lykewayes writting thair ansuer upoun the supplicationis to be redeliverit to the pairtyis, to the effect thay may forbeare ony more to importune his Majestie, and, yf thay do in the contrair, that thay be punist by warding and detentioun of thair personis or other more severe panes, according to the qualitie of thair misbehaviour and offence. And whereas, by divers actis of Parliament and Secreit Counsell and proclamationis following thairupoun, his Majesteis liegeis hes bene prohibited to interceid for pardoun or favour to ony rebellis foirfeyted or putt to the . . . . . for thair wiffis, bairnis, or otheris, dishabilled and . . . in detestatioun of thair horrible offensis, under divers grite panes mentionat in the saidis actis and proclamationis, quhilkis his Majestie acknowledgeth to be groundit upoun justice and reasoun of Estate, and that all favour to be grantit to personis of that qualitye sould proceid of his Majesteis speciall grace and proper motive, and nowayes frome the suite or to the thankis of ony haveing credite of his Majestie; and thairfoir his Heighnes, intending to have the saidis actis and proclamationis preceislie observed, doeth straitlie prohibite and discharge all his goode subjectis, of quhatsoevir qualitie, degree, or conditioun thay be, to interceid for ony traytouris or foirfeyted or dishabilled personis by Act of Parliament or criminall sentence, under the pane of incurring his Heyghnes heigh and havye displeasour. Lyke as his Majestie hes resolved to assure his goode and faithfull subjectis who haif beene unjustlie dissavit and enormelie hurte by bankrouttis and ryotous and deboshed personis who haveing defraudit thame of payment of thair just debtis and laughfull conditionis, and after sentenceis obtenit or bandis registrat aganis thair debtouris haveing putt thame to the horne and tane thame by letteris of captioun or other laughfull warrand, ar now in feare that at his Majesteis happie and wished entre in the townis quhair the saidis rebellis ar deteyned prisonnaris thay may be putt to libertie,—whilk is als far aganis his

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Majesties intentioun as it is contrarie to ressoun and justice to favour bankrouttis and dissavearis to the prejudice of his goode and obedient subjectis: Thairfoir ordanis letteris to be direct chargeing officeris of armes to pas to the mercatt croceis of Edinburgh, Dundee, Perth, St. Androis, Striviling, Glasgu, and otheris placeis neidfull, and thair by oppin proclamatioun to intimat his Majesteis will and pleasour in every one of the premisis to all his Majesteis liegeis and otheris whome it effeiris, and to command everyone of thame to obey thir [letteris] in everye heade, claus, and article foirsaid under the panes abonewrittin, and suche otheris as his Majestie and the Lordis of his [Previe] Counsell sall injoyne. Gevin at Alnewick, the 7th of May 1617."[1]

Warrant for £10,000 more to Sir Henry Wardlaw.

Warrant to the Treasurer-Depute to deliver a further sum of £10,000 to Sir Henrie Wardlaw towards the works at Haliruidhous, Falkland, and Striviling.

Decreta Jan.–Nov. 1617. Fol. 55, a.

Edinburgh, 7th May 1617.

[Sederunt as recorded above, with the addition of Sir Andro Ker.][2]

Action by the Earl of Angus for the ejection of James and George Ker from the lands of Lintillie.

Complaint by Williame, Earl of Angus, and Johnne Douglas, his tenant of the lands of Lintillie, as follows:—In July 1611, the said Earl, as proprietor of these lands and lordship of Jedburgh Forest, obtained a decreet of removal against James Ker in Lyntillie. The said James suspended this decreet, and raised an action of reduction; but in July 1616 the Earl obtained "ane decrite obsolvitoure" against the reduction. After divers suspensions raised by defender, "quhilkis wer all discussit be decrite or protestatioun in favouris of the said erll," defender was put to the horn, whereat he lay a long time unrelaxed. The Earl accordingly obtained letters from the sheriff of Roxburgh for the ejection of defender. After the said sheriff had entered pursuer's tenants in his name in the said lands, George Ker, son of defender, assisted by Williame Ker, brother of the said George, Thomas Ker, his son, Johnne Tullie and Andro Storie, servitors to the said George, entered upon the said lands

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in March and April last and "hes yockit a nomber of pleugehis thairintill, and is daylie teilling and ryveing out the same."—The said John Douglas appearing for himself and the said Earl, and bringing with him the decreet of removal, the letters of horning, the decreet absolvitor, and the letters of possession granted by the sheriff, and the said George Ker appearing for himself and other defenders, and having admitted that "he had enterit his pleuchis in the landis abonewrittin, as haveing richt and

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title thairto proceiding frome his said father," the Lords, "inrespect that the said George hes producit no lauchfull write, warrand, nor securitie to qualifie his richt," find that he has done wrong, and decern him to leave the lands "void and red." The said Johnne Douglas having given his oath that he dreads bodily harm from the said George Ker, the Lords order the latter to find caution in 500 merks within 48 hours.

[1] The King and his retinue, having left Newcastle on the 5th of May, and spent two days at Bothall Castle, the seat of Sir Charles Cavendish, had removed to Alnwick on the 7th, and been quartered in Alnwick Abbey. See *Nichols's Progresses*, III., 297.

[2] The Sederunt in the *Book of Sederunts* agrees with that in the *Decreta*.

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George Smith and George Finlay, indwellers in Kilmarnock, against Adam Cunningham, Bailie of Irvine, for illegal arrest.

Complaint by George Smyth and George Finlay, indwellers in Kilmarnok, that, while in the burgh of Irwing on 21st April last, they were accosted in the open market by Adam Cwnynghame, one of the bailies of the said burgh, apprehended by him, and thereafter committed to the Tolbooth, where they still remain.—The said Adam, appearing and exhibiting pursuers, claims that they had been lawfully arrested "because thay, being unfremen dwelland within the boundis of the libertie and jurisdictioun of the burgh of Irwing, did use and exerce the trade of merchandice within the saidis boundis, to the grite hurte of the gild brethir merchantis and inhabitantis of the said burgh, who beiris burdyne and chairge within the said burgh and contributes with the rest of the estaitis in all the publict taxationis and impositionis layed upoun the countrey, whereas the saidis persewairis, being unfremen, bearis no suche chairge nor burdyne in the Estaite, and notwithstanding used the trade of fremen to the grite hurte of the said burgh and expres aganis the liberteis and previledgeis grantit to thame be his Majestie and his predicessouris." It is replied by the pursuers that, "being his Majesteis frie leigeis, nawyse rebellis nor at the horne, the bailleis of the burgh of Irwing sould nawyse haif tane and apprehendit thame at thair awne hand without some lauchfull proces preceiding."—The Lords find that defender has done wrong, and decern him to put pursuers to liberty. They further decern "him and the remanent magistratis of the said burgh of Irwing to forbeir suche summair and extraordinair forme of proceiding aganis his Majesteis subjectis in tyme comeing, bot to mantene thair liberteis, fredome, and previledgeis according to the commoun course of law and justice, and no utherwyse." Decreta Jan.-Nov. 1617. Fol. 56, b.

Caption against Otterburne of Reidhall for debt to Archibald Primrose.

Complaint by Archibald Prymrois, writer, that Sir Thomas Ottirburne, elder of Reidhall, remains unrelaxed from a horning of 9th January 1610, at the instance of Edward Meklejohne, burgess of Edinburgh, for payment to him of 1074 merks of principal and 100 merks of expenses. Pursuer was constituted assignee on 1st August last.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 57, a.

Caption against James Tweedie of Dreva and his son for debt to Thomas Barbour.

Complaint by Thomas Barboure, commissary-depute of Peblis, that James Twedy, elder of Dreva, and Johnne Twedy, younger of Dreva, remain unrelaxed from a horning of 17th December last for not paying these sums,—viz., the said laird, the sum of £83, 6s. 8d. of principal and £10 of expenses, and his said son, 300 merks of principal and £20 of expenses.—Pursuer appearing, and defenders not appearing, the Lords give order as above. Fol. 57, b.

William Johnston of Gimmembie and others, against James Johnston of Kirkton and others for assault.

Complaint by Williame Johnnstoun of Gimmembie, Mungo and Hercules Johnnstoun, his sons, Archibald Johnnstoun, his brother, and Williame Johnnstoun, his nephew, as follows:—"The wattir of Dryff haveing laitlie worne itselff in undir the said complenairis parroche kirk of Drysdaill, and it being certane that the said wattir in a verie schorte Fol. 58, a.

Decreta Jan. Nov. 1617. Fol. 58, a.

space wald haif tane the said kirk away," pursuers with other parishioners met at the said kirk upon 25th April last, and "enterit to worke for drawing bak agane the said watter frome oute undir the said kirk to that auld and ancient accustomed place quhair the same hes rwn thir mony yeiris bigane past memorie of man." Thereupon, James Johnnstoun of Kirktoun, accompanied by Andro Jokie, Williame Francie, George, James, and Hercules Johnnstoun, his sons, Edward Craik in Torwood, and Williame Irwing in Skar and others, all armed, came to the place, and "efter a verie insolent maner not onlie stayit and interruptit the farder progres of the said worke, bot also most feirslie set upoun the saidis complenaris." They wounded the said William Johnnstoun of Gymmembie on the face, "gaif the said Archibald Johnnstoun ten deidlie woundis on the face and head," and also wounded the said William, Mungo, and Hercules Johnstoun. The said Archibald is still bedfast, and is not

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likely to get well.—The said William appearing for himself and the other pursuers, and the defenders not appearing, the Lords find the charge of assault and the wounding of Archibald to be proven, and order defenders to enter their persons within the Tolbooth within six days, and to remain there at their own expense during their Lordships' pleasure.

Sederunts. Fol. 10, b.

"The quhilk day James Nesbitt, bailie of Edinburgh, in name of the haill burrowis of this kingdome, protestit that the patent grantit to Sir James Cunynghame of Glengarnok anent the Indian toade (?) suld nawayes be prejuditiall to the burrowis of this kingdome" (*ante*, p. 77). Cunningham of Glengarnock's patent.

Sederunt—Chancellor; Treasurer; Binning; Master of Elphinstoun; Treasurer-Depute; Clerk of Register; Advocate; Ridhous; Medop; Sir James Skeene. Edinburgh, 8th May 1617.

"Ane missive frome his Majestie anent the attendance of the Counsell upoun his Majesteis actionis of pairtyis and affairis of the House (?)." Royal missive to the Council.

"Missives direct to the Lord of Scoone and Robert Arnott to caus lxxx cairtis attend at Kirkaldy upoun the xv of this instant for lifting and carying of his Majesteis removeing wardrop thairfra to Falkland." Order for carts at Kirkcaldy.

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Sederunt—Chancellor; President; Treasurer-Depute. Innerweik, 10th May 1617.[1]

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Sir Alexander Hammiltoun of Innerweik and Williame Lauder in , and with all dew reverence upoun thair kneis, thair hand lyand upoun the holie evangell, maid and gaif thair oathe of alledgeance." Hamilton of Innerwick and William Lauder.

Sederunt—Lennox; Chancellor; Treasurer; Viscount of Fentoun; Binning; Colvill; Treasurer-Depute; Clerk of Register. Beruick, 11th May 1617.

[1] On this day his Majesty and retinue reached Berwick-on-Tweed, to remain there till the 13th.

Continuation of the Parliament from 27th May to 13th June.

"Forsamekle as, the Soverane and Heich Courte of Parliament of this kingdome being proclamed and appointit to be haldin at Edinburgh upoun the xxvij day of Maij instant, it hes pleasit his Majestie, upoun occasioun of some important and weyghtie affairis quhairby his Majestie is distractit frome keeping of the first appointit tyme of the said Parliament, to gif ordour and directioun that the Parliament salbe fensit that day and continewit to the threttene day of Junij nixttocome, quhilk salbe the preceis day, God willing, of the first ryding to the Parliament: And thairfore his Majestie, with advise of the Lordis of Secreit Counsell, ordanis letteris to be direct to mak publicatioun heirof be oppin proclamatioun at the mercatt croce of Edinburgh, quhairthrou nane of his Majesties subjectis mak unnecessair travell to keepe the first appointit day, and to warne all and sindrie archiebischoppis, bischoppis, noblemen, commissionaris for the small baronis and burrowis, the officeris, memberis, and clarkis of the Parliament, and all otheris haveing interesse thairin, that thay addresse thame selffis in dew and laughfull tyme to the burgh of Edinburgh providit and prepairit to ryde to the Parliament the said xiij day of Junij nixttocome, with intimatioun as effeiris." Acta Mar. 1615 -Aug. 1617.

Edinburgh, 13th May 1617.[1]

Sederunt—Chancellor; President; Treasurer-Depute; Advocate: Sir James Skeene; M^r^ Peter Rollok.

Warrant for £5000 to James Baillie.

Warrant to the Treasurer-Depute to pay £5000 to James Baillie, one of the receivers of his Majesty's Rents, "for making of some necessair debursementis in his Majesteis house." Fol. 104 b.

[1] The great day had come at last. "Upon "the 13th of May," writes Calderwood (VII. 245), "the King entered into Scotland, "accompanied with the Duke of Lennox, "the Erles of Arundell, Southamptoun, Pem- "brocke, Mongomerie, and Buckinghame, "Bishops Eli, Lincoln, Winchester, and sun- "drie other barons, deanes, and gentlemen." Their journey of that day was from Berwick-upon-Tweed, through Berwickshire, to the Castle of Dunglass in Haddingtonshire, the seat of the Earl of Home, a distance of about twenty miles. For the incidents of this first stage of his Majesty's journey into Scotland, and especially of his reception at Dunglass, see Nichols's *Progresses*, III., 300–305, and, more in detail, pp. 1–16 of the Edinburgh Volume of 1618, edited by John Adamson, then minister of North Berwick, and entitled ΤΑ ΤΩΝ ΜΟΥΣΩΝ ΕΙΣΟΔΙΑ, or *The Muses Welcome to the Kings Majestie, at his Happie Returne to his old and native Kingdome of Scotland after XIV yeeres absence.* At Dunglass there was a long Latin speech to him by Mr. Alexander Hume (probably that Alexander Hume, schoolmaster of Prestonpans, of whom and his Latin Grammar there has been notice, *ante*, Vol. IX., pp. xciv-xcv., 272–3, 275, and 414), followed by the presentation or recitation of eleven "poesies," or pieces of verse, ten of them in Latin and one in Greek, by different Scottish scholars. —One would like to know at this point what Englishmen of distinction King James had brought with him into Scotland, in addition to the five earls and the three bishops mentioned by Calderwood:—viz., Thomas Howard, Earl of Arundel and Surrey, the Premier Earl of England, now *ætat.* 25; Henry Wriothesley, Earl of Southampton, now *ætat.* 44 (to whom, in his youth, Shakespeare had dedicated his *Venus and Adonis* and his *Lucrece*); William Herbert, Earl of Pembroke, now *ætat.* 38 (supposed by some to have been in his youth the "Mr. W. H." to whom Shakespeare's *Sonnets* were addressed, and certainly a friend and patron of Shakespeare, as appears, among other proofs, from the wording of the dedication in 1623 of the first collective edition of Shakespeare's Plays

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Order anent arrangements for the carriage of his Majesty's luggage through Fifeshire.

"Forsamekle as, the commissionaris and justiceis of peace within the schireffdome of Fyffe, according to the directioun of the Lordis of Secreit Counsell send unto thame, hes tane ane verie solide and goode course for the transporte of his Majesteis cariage to and fra through the schireffdome of Fyffe,—to witt, thay haif divydit the said schirefdome in foure severall precinctis, alloiting sa mony parrocheis to everie precinct, and thay haif maid and tane ane particulair accompt of the haill landis within everie parroche according to thair plewis, appointing everie pleugh of land to send ane horsse with all necessair furnissing for lifting of his Majesteis said cariage, and thay haif nominat ane generall constable in everye precinct and particulair constablis for everye parroche; quhilkis generall constablis salbe ansuerable to the Maisteris of his Majesteis cariage to caus the particulair constablis in everye parroche haif the nomber of cariage horsse designit for everie parroche in reddynes at the tyme and place to be appointit: That is to say:—In the precinct of the presbyterie of Dunfermelyne, quhairin Williame Wallat, officier, is nominat generall constable for the haill precinct, the parrocheis following with the estimatioun of thair plewlandis ar contenit: viz.: the parrochine of Dunfermlyne, quhairin Patrik Andersoun in Pitconnochye, Robert Turnbull in Cumgask, and James Annand in Maistertoun ar constablis, is estimat to fourscoir and sevinteene plewis, by and attour the toun of Dunfermelyne, whilk is stentit to threttie horsse; the parrochine of Rossyithe, quhairin Andro Roxburgh in Hiltoun is constable, is estimat to ellevin plewlandis; the parrochine of Torrie, quhairin Williame Currie in Torriburne is constable, is estimat to fyve plewis; the parrochine of Crummie whairin Williame Currie in Crummie is constable, is estimat at thretteene plewis; the parrochine of Carnok, quhairin James . . . in Bankheade is constable, is estimat to tuelff plewis; the parrochine of Sawling, quhairin Johnne Rowane in Burnesyde is constable, is estimat to threttie plewis; the parrochine of Cleishe, whairin James Broun in
Fol. 105, a. Cleishe kirk is constable, is estimat to [nynteene] plewis; the parrochine of Baith, quhairin Andro [Baverage] in Hiltoun is constable, is estimat to nyne plewis; the parrochine of Abirdour, quhairin Richard Richard beeast the burne and David Clerk be-west the burne ar nominat constablis,

to him and his brother); Philip Herbert, Earl of Montgomery (younger brother of the preceding, and associated with him in the said dedication of the first Folio Shakespeare); George Villiers, Earl of Buckingham, the King's celebrated "favourite," now *ætat.* 25 (afterwards Duke of Buckingham); Dr. Lancelot Andrewes, Bishop of Ely since 1610 (afterwards Bishop of Winchester); Dr. Richard Neile, Bishop of Lincoln (afterwards Archbishop of York); and Dr. James Montague, Bishop of Winchester. These were, doubtless, the chief in rank; but there must have been a considerable shoal of English lords, knights, and squires, besides the five earls, with a goodly number of English ecclesiastics, besides the three bishops. Among these last we know for certain was the afterwards famous Laud, —not yet very famous, though 44 years of age, but only Dr. William Laud, Dean of Gloucester, and a favourite *protegé* of Bishop Neile's, in whose train he had come to Scotland. That Laud's acquaintance with Scotland thus dates from as early as 1617 is worth remembering. He was to know Scotland, and Scotland was to know him, more intimately afterwards.

is estimat to xxiij plewis; the parrochine of Dagatye, quhairin James Hendersoun in the Greene of Fordell is constable, is estimat to tuentie ane plewis; the parrochine of Innerkething, quhairin Peter Broun in Pratus is constable, is estimat to sevinteene plewis, by the toun of Innerkething, whilk is stentit to tuentie horsse; the parrochine of Kinros, quhair Johnne Shaw of Lathangye hes the charge, is estimat to auchteene plewis, by the milne; and the parrochine of Uruall, quhair the said Johnne Shaw of Lathangye hes the charge, is estimat to threttie fyve plewis: sua that the haill nomber of plewis within the said precinct extendis to three hundreth threescoir and three plewis: In the precinct of the prisbiterie of Kirkaldy, quhairin Williame Challand is generall constable for the said haill precinct, the parrocheis following with the estimatioun of thair plewlandis ar particularlie sett doun and notit,—viz., the parrochine of Bruntyland, quhair Williame Stevinsoun in the Grange and Williame Andersoun in Stanehous ar constablis, is estimat to xxviij plewlandis, by and attour the toun of Bruntyland, quhilk is stentit to tuentie horsse; the parrochine of Kinghorne, quhairin Thomas Finlasoun in North Piteddie and Williame Murray in the Wester Brig ar constablis, is estimat to fiftie aucht plewis, by the toun of Kinghorne, quhilk is stentit to twentie horsse; the parrochine of Kirkaldy, quhair David Knox in Turbean and Johnne Mitchelsoun in Scarris ar constablis, is estimat to tuentie nyne plewis, by the toun of Kirkaldy, quhilk is stentit to tuentie horsse; the parrochine of Auchertoull, quhair James Bruce in Clintra and Johnne Lindsay thair ar constablis, is stentit to ten plewis; the parrochine of Ballangrie, quhair Johnne Huntar in Inchegall Milne is constable, is stentit to fyfteene plewis; the parrochine of Portmook, quhair Alexander Walco[t] in Scotlandwell and David Arnott in Kineskwode ar constablis, is estimat to threttie plewis; the parrochine of Auchterdera, quhair Thomas Spens in Dundonall is constable, is estimat to threttie plewis; the parrochine of Markinche, quhair Archibald Burrell in Markinche, James Lanerok in the Maw, and Andro Wilsoun in Markinche ar constablis, is estimat to threescoir ten plewis; the parrochine of Kennoquhye, quhair Robert Mure in Auchtermairme and James Miller in Kennoquhy ar constablis, is estimat to xxviij plewis; the parrochine of Skonie, quhair Andro Wilkie of the Haugh and James Swyne in Durie ar constablis, is estimat to tuentie nyne plewis; the parrochine of Kinglassie, quhair Patrik Harper in Stentoun and Johnne Hoig in Kinglassy ar constablis, is stentit to fourtie foure plewis; the parrochine of Leslie, quhair Robert Russell in Cadum and David Walker thair ar constablis, is estimat to threttie fyve plewis; the parrochine of Dysert, quhair Cristopher Swyne in Stratheare and Johnne Tod in Dunnikeir ar constablis, is stentit to xxiiij plewis, by and attour the toun of Dysart, whilk is stentit to xx horse; the parrochine of Weymis Easter and Wester with the Methle, quhair Johnne Young in Wester Weymis and George Swyne ar constablis, is estimat to xxxiiij plewis: and sua the haill plewis of this precinct extendis to fyve hundreth lviij

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viz., the landwart parrochine of St. Androis, quhairin Andro Walker in Kingask, Williame Donnaldsoun in Polduff, Johnne Wan in Gairbrig, and Johnne Foster, portionair in Kincaple, ar constablis, is estimat to j°xlvij plewis, by and attour the citie of St. Androis, whilk is estimat to 1 horsse; the parrochine of Lewcharis, quhairin Johnne Meldrum in Segyhill, Robert Hendersoun, portioner of Drone, and Johnne Leitche in Lewcharis ar constablis, is estimat to lxxxij plewis; the parrochine of Darsye, quhairin Robert Clerk in Craigfuthie and James Rid thair ar constablis, is estimat to xxxij plewis; the parrochine of Carnbie, quhairin Peter Mortoun in Baldutho is constable, is estimat to lxx plewis; the parrochine of Kilrynnie, quhairin David Patoun in Keplie Miln and Thomas Saltoun in Innergellie ar constablis, is estimat to xxiij plewis, and Kilrynnie xij plewis, and attour the toun of Anstruther Easter, quhilk is stentit to xx horsse; the parrochine of Portincraig, quhairin David Craig in the Ferrie and Johnne Adam thair ar constablis, is estimat to aucht plewis; the parrochine of Newburne, quhairin Thomas Mitchell in Drummelrie and David Simsoun in Coittis ar constablis, is estimat to xxj plewis; the parrochine of Carraill, quhairin Johnne Mortoun in Kingis Barnis and Johnne Hutchiesoun in Quhippo ar nominat constablis, is estimat to lxxxvij plewis, by and attour the toun of Carraill, whilk is estimat to xxx horsse; the parrochine of Kilconquhair, quhairin David Wallace in Elie and Andro Grant in Kilconquhair ar nominat constablis, is estimat to lxviij plewis; the parrochine of Kembrok, quhairin David Low in the Myretoun and Andro Coupar in Rumgay ar constablis, is estimat to xxij plewis; the parrochine of Largo, wherin Williame Ireland in Balmoane Miln and Williame Foirfoull in Nethir Pratus ar constablis, is estimat to fourtie foure pleughis; the parrochine of Forgund, quhairin Robert Seathe in Freirtoun and Robert Adamesoun thair ar constablis, is estimat to fourtie fyve plewis; the parrochine of Drummynnour, quhairin Alexander Myllar in Stranethie is constable, is estimat to tuentie plewis; the parrochine of Anstruther Wester, quhairin James Scott in the Miltoun is constable, is estimat to fourty plewis, by and attour the toun of Anstruther Wester, quhilk is stentit to sax horsse; the parrochine of St. Leonardis, quhairin the constablis of the parrochine of St. Leonardis ar constablis, is estimat to foure plewis, and the toun of Pittinweyme is stentit to ten horsse: and sua the haill plewis of this precinct extendis to aucht hundreth and thretteene plewis, and consequentlie the haill horsse to be send oute of the said precinct extendis to viij° and xiij horsse. And, whereas it is expectit that the parrochynnaris of the parrocheis and the magistratis and inhabitantis of the townis particularlie abonewrittin will in dew and laughfull tyme send oute thair cairtis and horsse sufficientlie providit with all necessaris for lifting of his Majesteis cariage at Bruntiland, Kinghorne, or Kirkaldy, upoun Mononday the nynteene of this instant, and for caryeing of the same thairfra to Falkland; and for lifting of the cariage at Falkland upoun Wednisday the xxj day of this instant, and caryeing of the same thairfra to the Ferrie of Dundee; and

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Fol. 106 b.

Acta Mar. 1615 –Aug. 1617. for lifting of his Majesteis cariage at the Ferrie of Dundee upoun Mononday the secund day of Junij, and caryeing of the same thairfra to Falkland; and for lifting of the cariage at Falkland upoun the morne thairefter, and caryeing of the same thairfra to Kirkaldy, Kinghorne, or Bruntyland, as thay salbe directit be the Maister of his Majesteis cariage, —nevirtheles" &c. *The entry concludes with a reference to the penalty to be imposed in case of disobedience, as in similar preceding entries.*

Fol. 107. a. "Forsamekle as, the commissionaris and justiceis of peace within the schirefdome of Lynlythqw, according to the warrand and directioun gevin to thame be the Lordis of Secreit Counsell, hes tane particulair notice of the nomber of horsse for cariage that everie parroche within the said schirefdome may convenientlie furnishe for lifting of his Majesteis cariage, and hes maid and presentit to the saidis Lordis ane roll of the saidis parrocheis contening the nomber of horsse designit to every parroche, with the names of suche personis as ar appointit constablis in the parroche to haif the charge and commandiment to caus the horsse of the parroche be in reddynes for lifting of the cariage at the tymes and placeis appointit to that effect:—that is to say, in the parrochynnis of Kynneill and Carribdin, quhair Richard Bryce, officiair of Kynneill, James Wilsoun, officiar in Carribdin, David Galbraithe in Kynneill, and Johnne Hendersoun in Murehous ar constablis, fourescoir horsse; in the parrochine of Abircorne, quhair Johnne Craufurde, Henrye Mekle, James Jamiesoun, and Gawin Murray ar constablis, fiftie horsse; in the parrochine of Dumanie, quhair Robert Moubra, Mathew Pontoun, Daniel Cleghorn in Ferrye, and Johnne Steuart in the milu of Cragyhall ar constablis, sax scoir horsse; in the parrochine of Kirlistoun, quhair James Seytoun, David Neiff, James Barroun in Humbie, George Stevinsoun in Auldlistoun, and George Walker in Kilpont ar constablis, fourscoir horsse; in the parrochine of Strabrok, quhair Henry Potter, Daniel Cunynghame, James Hoidge, and Williame Gilbert ar constablis, fourtie horsse; in the parrochine of Levingstoun, quhair George Quhyte, Alexander Pottar, Johnne Weir, and James Smithe in Dechmont ar constablis, fourtie horsse; in the parrochin of Inglishemauchane, quhair James Fol. 107. b. Ramsay, James Wryght, and Andro Hunter ar constablis, threttie horsse; in the parrochine of Bathcatt, quhair Alexander Nemo in Ballincreift and Williame Tennent ar constablis, xl horsse; in the parrochine of Torphichine, quhair Williame Adie in Drumbuy, Alexander Patersoun, and Alexander Aikinheade ar constablis, fourty horsse; in the parrochine of Lynlythqw, quhair Williame Hairt, Robert Aikinheade, Henry Aitkine, and Patrik Keir ar constablis, fourescoir horsse:—lyke as the saidis justiceis of peace hes nominat and chosine James Kaling and Williame Louerance to be generall constablis for the haill schirefdome, quho salbe ansuerable to the maister of the cariage that the constablis in the particulair parrocheis foirsaidis sall haif the horsse of the parrocheis in reddynes at the tymes and placeis to be appointit, as the act of the

Similar order anent the carriage through Linlithgowshire.

justiceis of peace at lenth bearis: And, seeing a pairt of his Majesteis cariage is to be lifted at Haliruidhous upoun Satterday the 28 day of Junij nixt and to be caryed thairfra to Striviling and the rest of the cariage is to be lifted at Haliruidhous upoun Mononday the last day of Junij nixt and to be caryed thairfra to the said burgh of Striviling, necessair it is that dew and tymous provisioun be maid for lifting of his Majesteis cariage at Haliruidhous the dayis foirsaidis and careying of the same thairfra to the said burgh of Striviling, quhilk must be done be the inhabitantis of the said schirefdome of Lynlythgow: For quhilk purpois ordanis letteris to be direct chargeing all and sindrie personis within the parrocheis foirsaidis whome this mater concernis and the constablis particularlie abonespecifeit alsuele speciall as generall that thay and everyone of thame do and performe that whilk in thair chairge and service apperteyneth,—viz., the saidis parrochynnaris to ansuer and obey the constablis appointit to haif the charge of the [said] service, and the particulair constablis for every parroche to ansuer and obey the tua generall constablis appointit for the said haill schirefdome, and the saidis parrochynnaris and constablis joyntlie to direct and send and caus the nomber of horsse abonewrittin sufficientlie providit with all furnitour necessair for cariage be send in dew and laughfull tyme the saidis 28 and last dayis of Junij about the brek of daye to the pallice of Haliruidhous, and thair to lift his Majesteis cariage and to carye the same thairfra to the said burgh of Striviling; [and] that the saidis constablis or ony tua of thame in name of the [haill] come in with thair horsse and present thame to the maister of the [cariage], to the effect thay may see payment and satisfactioun maid to [the] awnaris of the saidis horsse as accordis, under the pane of sax pundis for everie horsse that salbe absent and warding of the awnaris of the saidis horsse for the space of ane moneth. For payment of the quhilk soume of sax pundis, that the officiaris executoris of the saidis letteris poind and distrenyee thairfoir."

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Fol. 108 a.

"In the Cunyeehouse of Edinburgh the xiij day of May 1617. In presence of Alexander, Erll of Dunfermelyne, Lord Heich Chancellour of Scotland, Thomas, Lord of Binning, President, and Sir Williame Oliphant of Newtoun, his Majesteis Advocat:—

Inventory of silver-plate sent from England, and now in charge of the Treasurer-Depute for the use of his Majesty during his stay in Scotland.

"The quhilk day Sir Gedeone Murray of Elibank, knight, Deputie Thesaurer, ressavit within his Majesteis Cunyeehouse at Edinburgh his Majesteis silver plaitt and veschell underwrittin of the weyght following, quhilkis by expres warrand and directioun frome his Majestie wer boght and send to this kingdome for serveing of his Majesteis house during his aboade heir:—that is to say, aucht basines and aucht laweris weyand of Inglishe weyght 771 unceis and of Scottis weyght 784 unceis and tua drop weyght; fourtie candilstickis weyand of Inglishe weyght 1004 unceis and of Scottis weght 1021 unceis and 12 drop weyght; tuentie beir boullis or coupis weyand of Englishe weyght 334 unceis and of Scottis weyght 340 unceis; ten saltis weyand of Inglishe weyght 203 unce and of Scottis weght 207 unce; ten dusane of spoones weyand of Inglishe

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weyght 200 unce and of Scottis weyght 203 unce 8 drop weyght; aucht dusane of trunsheour plaittis weyand of Inglishe weyght 966 unce and of Scottis weyght 983 unce 10 drop weyght; sevintene dusane sevin discheis or plaittis weyand of Inglishe weyght 5528 unce and of Scottis weyght 5630 unce 12 drop weyght; sax silver cop feete with tua riñgis of silver to tua of the covers of the saidis couppis weyand altogether of Scottis weyght threescoir ellevin unce and ane quarter of ane unce: extending in the haill of Scottis weght to threttie fyve stanes thretteene pundis lxxiiij unce fyve drop weght:—off the quhilk silver plaitt and veshell particularlie abonewrittin of the soirtis and weyght foirsaid the said Sir Gedeone grantit the ressett, and oblist him, his airis and executouris, to keepe the same to his Majesteis use and to mak the same furthcomand to his Majestie and his successoris at all occasionis quhen he or his foirsaidis salbe requirit thairunto. And the Lordis of Secreit Counsaill ordanis the said Sir Gedeone to delyver the silver plaitt and veshell abonewrittin to suche of his Majesteis house who sall haif the charge thairof, to the effect his Majestie house may be servit thairwith during his aboade in this kingdome, and after the upgeving of the house
Fol. 108, b. that he tak thame all bak agane and keepe the same and be comptable and ansuerable thairfoir in maner abonewrittin."

[No record of Sederunt.]

Edinburgh, 16th May 1617.[1] Charge to all persons in Edinburgh and the

"Forsamekle as, the Kingis Majesteis harburgieris haveing designit and appointit ludgeingis and stabillis within this burgh and the Cannogait for his Majesteis tryne and followaris, and according to the ordour have-

[1] This was the day of his Majesty's entry into Edinburgh:—After remaining at Dunglass two nights, he had moved north on Thursday the 15th to Seton House in Haddingtonshire, the mansion of the Earl of Winton, received there with all due state, and presented with another Latin poem of welcome in addition to these tendered to him at Dunglass; and it was from Seton that he came to Edinburgh on the 16th. The fashion of his entry is thus succinctly described by Calderwood (VII. 245–6). "Upon Fryday "the 16th he came out of Seatoun to Leith, "and, about foure after noone, out of Leith "to the West Port of Edinburgh, where he "made his entrie on horsebacke, that he "might the better be seene by the people, "wheras before he rode in the coache all the "way. The Provest, Baillies, and Counsell, "and a number of citizens, arrayed in gowns, "and others standing with speat staves "[sharp-pointed staves], received him at the "Port. Mr. John Hay, the toun-clerk, had "a speeche to him at his entrie. A golden "basen, with a purse full of gold, was pre-"sented unto him. The cannons of the "Castle were shott. He was conveyed first "to the Great Kirk, where the Bishop of St. "Androes [Spotswood] had a flattering ser-"mone upon the 21st Psalme, and thanked "God for his prosperous journey. He "knighted the Provest of Edinburgh, Sir "William Nisbet. When he came to the "Palace of Halyrudhous, the professors and "students of the Colledge of Edinburgh "presented to him some poems, made to his "praise, and in signe of welcome. It was "bruted [rumoured] that all Colledges were "to be layde waste, except St. Androes and "Glasco, that they might floorish the "better; which moved them to present their "poems." Further particulars of the reception, with copies of the speeches and poems, will be found in the Edinburgh volume of 1618 entitled *The Muses Welcome*, &c. First it gives the English speech of the Town-Clerk Depute, Mr. John Hay, delivered at the West Port in name of the Magistrates

Canongate upon whom any of his Majesty's train have been billeted for lodging or stabling at once to receive and attend to the said billets.

ing delyverit billettis to the gentlemen of his Majesteis Courte bothe for thair ludgeingis and stabillis, nochtwithstanding the awnaris of the saidis ludgeingis and stabillis, aganis the dewitie of honnest subjectis, hes refuisit and refuisis to acknowledge the billettis, sua that divers personis of goode rank and qualitie ar disapointit bothe of ludgeingis and stabillis, heighlie to the offence of oure Soverane Lord and to the trouble and greiff of the gentlemen of his Majesteis Courte who ar come heir with his Acta Mar. 1615 -Aug. 1617.

and Town Council, and then the collection of congratulatory poetical pieces from the University. These last, it appears, were presented to his Majesty at the gate of the inner Court of Holyrood House, in the form of a handsomely bound copy of a volume which had been prepared for the purpose and printed by Andro Hart. In presenting the volume, Mr. Patrick Nisbet, who had been entrusted with the duty, addressed his Majesty in a short Latin speech in name of the University,—the poems themselves, of course, only handed to his Majesty, to be inspected at his leisure. Longer and shorter, they number 55 pieces in all,—three of them in Greek verse, and the rest in Latin. Some of them are anonymous, or written officially for the whole University; but among the writers whose names are given, one notes these:—Thomas Hope, then one of the chief ornaments of the Scottish Bar, of whom the King could doubtless remember that he had been intrepid enough to act as counsel for the prosecuted Presbyterian ministers of 1606; Mr. Henry Charteris, Principal of the University of Edinburgh, and Messrs. Patrick Sands, James Reid, John Ray, James Fairlie, William King, and Andrew Stevenson, professors or ex-professors of the same; and, as graduates of the University or otherwise interested in it, the above-named Mr. Patrick Nisbet, and Messrs. James Sandilands, Thomas Synserf, Thomas Nicolson, David Primrose, Alexander Peirsoun, Nicolas Udward, Andrew Young, Robert Stephen, Alexander Douglas, John Nimmo, Robert Smith, James Logan, Robert Balcanquhall, and James Scot. Some items in the original programme of the reception, it appears, had to be omitted. Besides the English speech at the West Port by the Town Clerk Depute, Mr. John Hay, there had been prepared by the same functionary a longer Latin oration, garnished with poetical quotations. It is duly printed with the rest in *The Muses Welcome*, but with the explanation that, as there was not time for its actual delivery, it was presented in written form. Possibly this had been anticipated, and the shorter English speech had been substituted. That is ecstatic enough. "How joyfull your Majestie's returne, "gracious and dread soveraine," it begins, "is to your M. native Toune from that "Kingdome due to your sacred person by "royall discent, the countenances and eyes "of these your M. loyall subjects speake "for their harts. This is that happie Day "of our New-birth, ever to bee retained in "fresh memorie, with consideration of the "goodnesse of th' Almightie God, considered "with acknowledgement of the same, ac- "knowledged with admiration, admired with "love, and loved with joy; wherein our eyes "behold the greatest humaine felicitie our "harts could wish; which is to feide upon "the royal countenance of our true *Phœnix*, "the bright Starre of our Northern Firma- "ment, the Ornament of our Age, wherein "we are refreshed, yea revived with the heat "and bright beames of our Sunne (the "powerfull Adamant of our Wealth), by "whose removing from our Hemisphere we "were darkned, deep sorrow and feare "possessing our harts (without envying "your M. happines and felicitie), our places "of solace ever giving a newe heat to the "fever of the languishing remembrance of "our happinesse: the very hills and groves, "accustomed of before to be refreshed with "the dewe of your M. presence, not putting "on their wounted apparrell, but with pale "lookes representing their miserie for the "departure of their Royal King." The rest is in the same strain of boundless eulogy: *e.g.* "As your M. prudencie hath woune the "pryse from all Kings and Emperours which "standeth in degree of comparison, so hath "your M. governament beene such that "everie man's eye may be a messinger to his "minde that in your M. standeth the Quint- "Essence in ruling skill of all prosperous "and peaceable governament"; and again, "Even our posteritie shall blesse the "Almightie our God for giving to us their "forefathers a King in hart upright as "David, wise as Solomon, and godlie as

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Majestie: Thairfoir ordanis officiaris of armes to pas to the mercatt croceis of Edinburgh and the Cannogait, and thair be oppin proclamatioun to command and charge all and sindrie personis unto whome billettis for ludgeingis or stabillis ar directit that immediatlie after the presenting of the billettis unto thame thay ressave the personis and horsse direct unto thame without ony kynd of excuse; whairin yf thay failyee, that the persone or personis in whose favour the billettis ar direct compleene

"Josias"; and again, "Neither hath the "oceane of your M. vertues contained itselfe "within the precinct of this Isle. What "eare is so barbarous that hath not heard "of the same? What forraine Prince is not "indebted to your sacred wisedome? What "Reformed Church doeth not blesse your "M. birth-day, and is not protected under "the wings of your M. sacred authoritie "from that Beast of Rome and his Anti-"christian locustes whose walles your M., by "the soverayne wisdome wherewith the Lord "hath endewed your sacred person, hath "battred and shaken more than did the "Goths and Vandales the old frame of the "same by their sworde?"—While so many persons, of greater or less note in the Edinburgh community, were thus taking part in the congratulations on his Majesty's reappearance in his Scottish capital after fourteen years of absence, it was impossible that a man of such special distinction in the town and neighbourhood as Drummond of Hawthornden should not be called on to contribute something. Known already for seven years as all but the only man of letters in the modern English sense living in the vicinity, the finest master of the standard literary English of the South, and with his reputation in English poetry in particular more recently spread abroad by his *Teares on the Death of Moeliades*, published in 1613, and the larger and more important volume of his *Collected Poems*, published in 1616, both from the Edinburgh press of Andro Hart, how could the Laird of Hawthornden avoid lending his pen in some way or other in aid of the civic rejoicings over King James's return in May 1617? It would seem, accordingly, that application had been made to him for one of the English speeches required for the occasion. The probability, at all events, is that a short English oration, found long afterwards among Drummond's papers, and published in the 1711 edition of his works under the title *An intended Speech at the West Gate of Edinburgh to King Charles I., Anno* 1633,—a title the accuracy of which seems questionable, from the nature of the speech, and from some portions of its phraseology in particular,—had been prepared for delivery at the important moment of the entry of King James into Edinburgh by the West Port. If so, we have to conclude that it was set aside in favour of that prepared, or at least adopted and spoken, by the Town-Clerk Depute Mr. John Hay. The preference was not unnatural; for not only must Drummond's draft speech (if we have the whole of it) have seemed too short for the occasion, but its vein of expression must have seemed too tame. "Sir, if Nature could suffer rocks "to move and abandon their natural places," are the opening words, "this Town, founded "on the strength of rocks, now by the cheer-"ing rays of your Majesty's presence taking "not only motion but life, had, with her "castle, temples, and houses, moved towards "you, and besought you to acknowledge "her yours, and her indwellers your most "humble and affectionate subjects, and to "believe, how many souls are within her "circuit, so many lives are devoted to your "sacred person and crown." Then, after a few sentences more, mentioning the delivery of the keys of Edinburgh to his Majesty, &c., there is this closing paragraph:—"The "old forget their age, and look fresh and "young at the appearance of so gracious a "Prince; the young bear a part in your "welcome, desiring many years of life, that "they may serve you long; all have more "joys than tongues. For, as the words of "other nations far go beyond and surpass "the affection of their hearts, so in this "nation the affection of their hearts is far "above all they can express by words. Deign "then, Sir, from the highest of Majesty "to look down on their lowness and embrace "it; accept the homage of their humble "minds; accept their grateful zeal; and for "deeds accept that great good will which "they have ever carried to the high deserts "of your ancestors, and shall ever to your "own and your royal race whilst these rocks "shall be overshadowed with buildings, these

thairupoun to the baillies of Edinburgh and the Cannogait, whome his Majestie commandis to tak present ordour with the personis dissobeying and refuseing the saidis billottis and to punishe thame examplarlie to the terrour of otheris; certifeing the saidis baillies yf thay failyee that his Majesteis Counsaill will tak thame to the saidis baillies and will imputt to thame the caus of the contempt and disobedience of thair nighbouris." Acta Mar. 1615 –Aug. 1617.

Holyrood, 18th May 1617.[1]

Sederunt—REX; Lennox; Chancellor; Treasurer; Hammiltoun; Glencairne; Roxburgh; Buckinghame; Viscount of Fentoun; Binning; Maister of Elphinstoun; Treasurer-Depute; Clerk of Register; Advocate; Kilsaythe; Sir Williame Alexander. Fol. 109, a.

"buildings be inhabited by men, and while "men be endued either with counsel or "courage, or enjoy any piece of reason, "sense, or life." Far finer and more poetical though this will seem to sound modern taste, as well as more exactly conceived for the scene and situation, than the boundless and vulgar extravagence of Hay's harangue, it was less likely at the time, one can see, to satisfy the taste of the civic authorities in whose name it was to be delivered, or to please his Majesty himself. The stronger stuff was consequently preferred.—But, if the records of the actual incidents of King James's entry into Edinburgh in May 1617 do not include this specimen of Drummond's prose, there is compensation in the specimen of Drummond's verse which they do include. As a graduate of the University of Edinburgh, Drummond might, one supposes, have been a contributor to the volume of academic poems presented to his Majesty at the gate of the inner Court of Holyrood House; but, whether because nothing that was not either Latin or Greek could be admitted into that volume, or because Drummond had determined that his English contribution to the welcome should be in independent form, it was in a separate little volume from Andro Hart's press that there appeared what has ever since been the best known literary commemoration of the event it celebrates. This was his poem in rhyming heroics entitled *Forth Feasting: A Panegyricke to the King*. The printed copy must have been presented to King James on one of the first days of his stay in Edinburgh; and most probably it was presented on the afternoon of the first day, either separately, or together with the academic volume of verses handed to him in the inner Court of Holyrood House. It is in favour of this supposition that it is reprinted with the introductory Sonnet of address "to his Sacred Majestie" in *The Muses Welcome* volume of 1618; where indeed it has the place of honour assigned to it by being put first of all the literary relics of the King's visit to Edinburgh,—not only before the academic collection of Greek and Latin verses, but even before the account of the entry at the West Port and Hay's speech there. The appended words, "This "Poeme was presented by William Drummond of Hawthorne-denne," rather suggest that the presentation was separate, if not in private. Of the four hundred lines or so of which the poem consists no need to quote more here than the first twenty; but it is sufficient reason for quoting these that they restore for us the popular commotion in and round Edinburgh on that 16th of May 1617 at which we are now arrived in this Register. It is the River Forth, and not Drummond himself, that has to be imagined speaking them:—

"What blustering noise now interrupts my sleep?
What echoing shouts thus cleave my crystal deep,
And call me hence from out my watery Court?
What melody, what sounds of joy and sport,
Be these here hailed from every neighbour spring?
With what loud rumours do the mountains ring,
Which in unusual pomp on tiptoes stand,
And full of wonder overlook the land?
Whence come these glittering throngs, these meteors bright,
These golden people set unto my sight?
Whence doth this praise, applause, and love arise?
What lodestar eastward draweth thus all eyes?
Am I awake? or have some dreams conspired
To mock my sense with shadows much desired?
Stare I that loving face, see I these looks
Which with delight wont to amaze my brooks?
Do I behold that worth, that man divine,
This age's glory, by these banks of mine?
Then is it true, what long I wished in vain,
That my much-loving Prince is come again?"

[1] This was a Sunday. On the previous day, Saturday 17th May, Calderwood notes,

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George Villiers, Earl of Buckingham, admitted of the Privy Council of Scotland.

"The Kingis Majestie remembering the goode affectioun borne be George, Erll of Buckinghame, to this kingdome and inhabitantis of the same and the mony goode officeis done be him in favouris of divers personis of this natioun attending his Majesteis Courte, and to the effect he may be the better encourageit to continew his affectioun to this cuntrey: thairfoir his Majestie, with advise of the Lordis of his Secreit Counsaill, ressavit and admittit the said George, Erll of Buckinghame, to be one of the ordinair nomber of his Majesteis Previe Counsell of this kingdome and to injoy all honnouris, digniteis, previledgeis, and prerogatives proper and dew to the said place. Lyke as, the said Erll being personalie present, and acknowlegeing with all dew thankis his Majesteis gratious favour showne unto him by preferring and advanceing of him to this heigh place of honnour and dignitie, he with all dew reverence, upoun his knees, his hand lyand upoun the holie evangell, maid and gaif his solemne oathe of alledgeance and the oathe of a Previe Counsellour."

Re-delivery of the cachet to Chancellor Dunfermline, that he may continue as hitherto to use it for all letters and writs requiring his Majesty's own signature.

"The quhilk day, the letter underwrittin being signed by the Kingis Majestie in presence of the Lordis of his Secreit Counsell sittand with his Majestie in Counsell for the tyme, his Majestie with advise of the saidis Lordis commandit and ordanit the said letter to be insert and registrat in the bookis of his Majesteis Previe Counsaill and to haif the force and strenthe of ane act of Counsell in all tyme comeing. Off the quhilk letter the tennour followis,—JAMES R. Forsamekle as Alexander, Erll of Dunfermelyne, Lord Heigh Chancellour of oure kingdome of Scotland, to whome we committit the charge and trust for keeping of oure casshett for signeing with oure name of all signatouris, letteris, and otheris writtis quhilkis requirit oure awne hand, hes now presentit oure said casshett unto us, upoun opinioun that we during the tyme of our aboade in oure said kingdome wald signne all the saidis signatouris, letteris, and writtis with our awne hand; and whereas we mynd not to trouble and fashe oure selff in that bussynes, bot ar willing that oure said casshett salbe used to all the saidis signatouris, letteris, and writtis as formarlie it hes bene: thairfoir we haif of new delyverit oure said casshett to our said Chancellour, and makis and constitutis him keepair thairof during all the dayis of his lyffe, with pouer to him to signne thairwith all maner of signatouris, warrandis, and otheris writtis requiring our awne hand in such forme and maner as formarlie he hes done.

"The English service was begunne in the "Chappell Royall, with singing of quiris-"tours, surplices, and playing on organs."—Note, in this Sunday's sederunt, the presence not only of the King himself, but also of the Duke of Lennox, Viscount Fenton, and the poet Sir William Alexander,—all three of the Council nominally for a long while past, though Fenton had never appeared in it till now, the Duke but once or twice before since his removal to England, and Sir William Alexander only occasionally. England was now the habitual residence of all three; but they had accompanied the King into Scotland. The special purpose of the Sunday meeting, it will be seen, was the admission of the King's English favourite, George Villiers, Earl of Buckingham, to the honour of a seat in the Scottish Privy Council.

Wheranent thir presentis salbe unto him a warrand; quhilk we ordane to be insert and registrat in the bookis of oure Previe Counsall *ad futuram rei memoriam.* Gevin at Haliruidhous, the 18th of Maij 1617." Acta Mar. 1615 –Aug. 1617.

Edinburgh, 21st May 1617.[1]

Sederunt—Chancellor; Binning; Master of Elphinstoun; Clerk of Register; Advocate; Sir James Skene. Decreta Jan.–Nov. 1617. Fol. 58, b.

Captions against Home of Broxmouth, Home of Carrelside, and others, for debt to James Heriot.

Complaint by James Hereot, "litster," burgess of Edinburgh, that Sir James Home of Broxmouth, knight, remains unrelaxed from hornings on 3rd and 5th May instant for not paying to pursuer, as assignee for M^r^ James Dougall, son of the late Johnne Dougall, burgess of Edinburgh, the sum of 1000 merks of principal and £100 of expenses; and that M^r^ Robert Home of Carrelsyde, James Pringle, and Thomas Blak, merchant burgesses of Edinburgh, remain unrelaxed from hornings of 8th and 21st January last for not paying 500 merks of principal and £50 of expenses to Williame Crombye, servitor to Sir Williame Oliphant of Newtoun, his Majesty's Advocate, the said William Crombye having appointed pursuer his assignee on 3rd April last.—Pursuer appearing personally, and Sir James and M^r^ Robert not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Caption against Maxwell of Teiling, at the instance of Maxwell of Newark.

Complaint by Patrik Maxwell of Newark, George Maxwell, fiar of Newark, and Helene Maxwell, his spouse, that Hew Maxwell of Teling remains unrelaxed from a horning of 8th May instant for not fulfilling the contract made between them on 31st August 1610.—Pursuers appearing by James Birsbane, and defender not appearing, the Lords give order as above. Fol. 59, b.

Sir George Hay of Nethercliff, Clerk of Register, against Crawfurd of Camlarg, and two Englishmen, for infringement of his monopoly of iron and glass manufacture.

Complaint by Sir George Hay of Nethir Liff, knight, Clerk of Register, as follows:—"In the moneth of December 1610 yeiris his Majestie wes weill pleasit, upoun grave and wechtie considerationis moveing his Heynes tending to the generall weele of this his Majesteis kingdome, to gif and grant unto the said George Hay, his airis, executoris, and assignayis, commissioun and licence undir the grite seale of this kingdome be him selff, his factouris, and utheris in his name haveing licence, Fol. 60, a

[1] As the King was to return to Edinburgh, he had remained there only from Friday the 16th to Monday the 19th; on which last day he left Holyroodhouse, crossed the Firth of Forth by the Ferry at Leith, and took up his residence for the night at his Palace of Falkland. The only recorded incident in this visit to Falkland is the presentation to him of a long poem in Latin hexameters, written by David Wedderburn, Master of the Grammar School of Aberdeen. It is printed in *The Muses Welcome.* Why this expression of Aberdonian loyalty should have thrust itself in at Falkland does not appear: probably because Falkland had nothing of its own of that kind to offer, and the Aberdeen scholar's verses came in conveniently there to fill the gap. On Tuesday the 20th May the King had left Falkland Palace, and crossed the Firth of Tay, to stay a night at the house of the Constable of Dundee; and he seems to have spent the whole of the following day, Wednesday the 21st—our present day in the Register—in hunting in that neighbourhood.

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tollerance, and permissioun frome him, to mak yrne and glass within ony pairt of this kingdome for the haill space of threttie ane yeiris." In the Parliament held in October 1612 the said commission was ratified in full. Pursuer has erected works for the making of iron, and "hes brocht the same to some reasounable perfectioun, [so] that glass are daylie wrocht and
Fol. 60, b. maid thairintill." Nevertheless Williame Crawfurd of Camlarg "hes brocht within this cuntrey . . . Egmondesham and Samuell Chasse, Inglischemen, and thay all, concurring togidder and being assistit be Sir Johnne Kennedy of and Josias Kirten , hes laitlie in the moneth of lastbypast at thair awne hand, without ony lauchfull warrand, erectit, buildit, and set up workis at for making of glass, and hes already maid, at the least intendis to mak, glass thairintill, and to oute and sell the same at thair pleasoure."—Pursuer appearing personally, and defenders not appearing, the Lords order the said William Crawfurd of Camlarge, Egmondisham, Pitcayis, and Samuell Chaiss to desist from their work, because thay have not answered the summons to appear.

Fol. 61, a. Complaint by Adame Purves, baker at the West Porte of Edinburgh, that he was apprehended on 20th instant by Thomas Lowrie, bailie at the West Porte, and detained in the wardhouse there, where he still remains. —Pursuer having been exhibited by the said defender, who represents that he had committed pursuer to ward "becaus he dischairget James Sandielandis, baxter, of his craft for that he complenit to the said
Fol. 61, b. defendair, being his magistrat and baillie, of a wrong done unto him be David Neilsoun, baxter, and declairit that thair is a band maid and subscryvitt be the haill baxteris outwith the West Porte of Edinburgh, quhairin thay ar boundin and obleist that nane of thame sall complene to ony judge or magistrat within the cuntrey upoun ony wrang done be one of thame to another, bot to thair awne deacone," the Lords find that pursuer "wes verie lauchfullie, worthelie, and ordourlie committit to waird for his presumptioun to dischairge the said James Sandielandis of his craft becaus he complenit to the said defendair," and order defender to keep him in ward for 24 hours after the date of this sentence, and then to put him to liberty. (See page 140.)

Adam Purves, baker, against Thomas Lowrie, bailie at the West Port, for illegal arrest: decreet in favour of defender, on account of illegal combination among the bakers.

Complaint by Robert Brountfeild as follows:—The Lords know how long pursuer was a prisoner in the Tolbooth on account of the unhappy hurting of Williame Ker, son of Thomas Ker of Cavers, and how, on account of his ill health, they relieved him, on condition that he should find caution that he would keep ward within the burgh. Pursuer has kept ward for 5 or 6 months. "And now, he being most earnist to be at some pointe with the gentilmen and his freindis by making and performeing of suche offeris and satisfactioun as possiblie lyis in his pouer, he can get nothing done thairanent, unles he wes at home, quhair he micht deale with his freindis to tak some doing for him in that mater."
Fol. 62, a. —Pursuer appearing personally, and the said William Ker not appearing, the Lords grant pursuer his liberty, on condition that he find caution in

Act in favour of Robert Bruntfield, a prisoner in Edinburgh for having hurt William Ker.

£1000 to appear before the Lords when called upon to do so, and to do no bodily harm to defender, his tenants, or his servants. Decreta Jan.–Nov. 1617.

Edinburgh, 28th May 1617.[1]

Sederunt—Chancellor; Binning; Clerk of Register; Advocate; Mr Peter Pollok. Acta Mar. 1615–Aug. 1617. Fol. 109, b.

Proclamation against killing wildfowl within ten miles of Edinburgh during his Majesty's stay at Holyrood House.

"Forsamekle as, the Kingis Majestie in his returne frome Angus to his pallice of Haliruidhous intendis, God willing, for his recreatioun at some convenient tymes, to hawke on the mures and otheris pairtis neir to his said pallice, and to the effect his Majesteis sporte may be the more plesant and plentifull, the Lordis of Secreit Counsaill ordanis letteris to be direct to command, charge, and inhibite all and sindrie his Majesteis liegeis and subjectis be oppin proclamatioun at the mercatt croce of Edinburgh that nane of thame presoome nor tak upoun hand to slay ony kynd of wyldefoull within ten myllis of the burgh of Edinburgh induring his Majesteis residence at Haliruidhous, under the pane of ane hundreth pundis to be incurrit be everie persone or personis contravening this present act sa oft as thay salhappin to failyee, besydis the punishement of thame in thair personis at the discretioun of his Majesteis Counsell; and to command and charge all and sindrie magistratis to burgh and land and justiceis of peace to caus attendance be gevin that this present act be observit and keepit, and that thay trye whair and be whome the same is brokin, and that thay gif notice of thair names to the Thesaurair Depute, to the effect the contravenaris may be callit, convenit, and punist accordinglie."

Edinburgh, 28th May 1617.

[Sederunt as recorded above.] Decreta Jan.–Nov. 1617. Fol. 62, a.

Government prosecution of the bakers outwith the West Port of Edinburgh for illegal trade combination.

Complaint by the King's Advocate, as follows:[2]—He is informed that "thair is ane mutuall band maid and subscryvit be George Young, Adam Purves, Nicoll Simsone, Johnne Adamsoun, Johne Hanna, Thomas Adamsoun, James Young, Richart Kyll, James Williamesoun, Daniell Young, James Sandielandis, George Symontoun, Hew Hanna, Robert Barclay, William Purves, and remanent maisteris and bretherine of the baxter craft outwith the West Porte of the burgh of Edinburgh, of the dait the xvj day of July 1612 yeiris, quhairin, amongis mony pointis, headis, and articlis aggreit upoun betuix thame, thay have ordanit that nane of thame nor nane of thair craft dwelland within the boundis foirsaid sall not compleine upoun ony wrang done be ony of the craft unto another Fol. 62, b.

[1] The week intervening between this meeting of the Council and the last had been spent by his Majesty chiefly at Kinnaird House in Perthshire, the seat of Lord Carnegie of Kinnaird, whither he had gone on Thursday the 22nd of May, and in the neighbourhood of which he could have plenty of hunting. The literary incidents of his reception here, as recorded in *The Muses Welcome*, were a Latin speech, and the presentation of two poems,—one in about 400 lines of Latin hexameters by "John Leochceus" (*i.e.* John Leitch), and the other and shorter in English heroics, signed "Alexander Craig of Rose-Craig."

[2] The following prosecution probably had its origin in the case given *ante*, p.139.

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of thame, nowther to thair awne bailleis and ordinair magistratis nor to no uther judge or magistrat within this kingdome, bot to the oversman of thair awne craft being for the tyme, and that it sall not be lesum to ony persone or personis being of thair societie and nombir who salhappin to be callit for contravening of ony of thair actis or ordinanceis to complene to ony judge or judgeis quhatsumevir bot to the deacone of thair craft, and that nane of thair nomber become cautioun ane for another, nor speeke nor do ane for another, undir certane panes specifeit and contenit in the said band. And thay have lykewyse injoyned the panes of banischement and perjurie upoun the brek and violatioun of some of thair actis, as the samyn band, beiring lykwyse thair unlauchfull nominatioun and acknawledgeing of ane deacone of thair craft, at lenth beiris. Quhilk band in the headis and pointis thairof abonewrittin is most unlauchfull, and the personis makairis thairof and consentairis thairto hes not onlie verie proudlie and malapairtlie assumet to thame selffis the cognosceing and trying of materis nawyse belonging unto thame, and quhilkis are onlie proper to be hard and tryit before his Majesteis judgeis and magistratis, bot with that thay haif done quhat in thame lyis to depryve his Heynes subjectis over quhome thay have usurpit this auctoritie of that commoun benefite quhilk thair birth and the lawis of God and nature allowis unto thame,—to wit, of frie acces to thair ordinair judgeis to complene and seik redres of thair wrangis,—and thay haif usurpit upoun thame the auctoritie of the lauchfull magistrat by injoyneing the panes of banischement and perjurie upoun the brek of thair pretendit actis, and hes astrictit thair bretherine to thair usurpit and unlauchfull jurisdictioun, without all hoipis to repair thame selffis gif thay sall find in thame outher informalitie, partiall preceidingis, or ony uther just and lauchfull caus of declinatoure. And, tuitcheing that pairt of the said band quhairby thay forbid ane to be cautionair for another or to speike or do ane for another, thay wold thairby cut of all civile societie and these commoun dewteis of civil conversatioun quhilkis are observit and keepit amongis nichtbouris, freindis, and weilwillaris. And, quhairas by thair said band thay acknowledge ane ovirseair and deacone, thay do thairby verie fer oversee thame selffis, and hes violat his Majesteis lawis concerning that point. And thairfore the said pretendit band in the particulair pointis and headis thairof abonewrittin aucht not onlie to be

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declairit to be unlauchfullie maid aganis forme ordoure and justice, bot the same aucht to be decernit and declairit to be null, and thay punist in thair personis and goodis for making thairof."—Pursuer appearing personally, and the said defenders being present and bringing the said band, the Lords declare "the said band in the particulair pointis and headis thairof abonewrittin to be unlauchfullie maid without ground or warrand of law, and thairfore decernis the same band in the pointis and headis thairof foirsaidis to be null and to be of nane availl, force, nor effect heirefter," because defenders could show no reasonable cause to the contrary.

King's Advocate against a number of persons convicted of usury.

Complaint by the King's Advocate that on 23rd November last he obtained decreet against Johnne M^cCalmond in Portincalyie, Normond M^cKewin, chapman in Lesswaid, Johnne M^cMaister in Kirktoun, Johnne M^cBurnie in Craiginverth, Alexander M^cEwn in Crochmore, Johnne Donald in Lairge, Johnne M^cAlexander in Crocherie, Thomas M^cAlexander there, Johnne M^cClelland in Blakquarter, George M^cWilliam in Tonladoche, Andro Quhyte, wright in Wigtoun, Bessie Stewart in Monygooff, Fergus M^cClelland in Glenchappell, Cuthbert Logane in Mochrum, Hew Gordoun of Grange, Donald Stevinsoun at the mill of Mertoun, Richart Dobie in Arbroge, Gilbert M^cKye in Clynis, David M^cEwn in Balhassa, Patrik M^cCall, 'walker,' George Levingstoun in Clachinpluck, Johnne M^cCandyeill at the mill of Twynome, Johnne Neilsoun of Corsoke, Johnne Gordoun in Barmagachane, M^r Johnne Douglas, minister at Kirkpatrik, Robert Schorte in Belliemack, Williame Maxwell of Barquhillitie, Edward Maxwell of Barmagachane, William Fullertoun in the Abbey of Dundrennane, James M^cIlna in Forrest, Hew Lindsay in Barstraiche, Johnne M^cMillane in Bank, George Rowane in Stronepatrik, Gilbert Cannane of Mardrochat, and Johnne M^cMillane in Derna, for taking a higher rate of interest than ten per cent. Pursuer craves that sentence be given in accordance with the acts anent unlawful usury.—Pursuer appearing personally, and having passed from the pursuit of William Maxwell, "becaus he declairit upoun his conscience that he tynt both the stoke and the annuell of that small sowme quhilk he lent oute upoun proffeit and nevir ressavit ane penny thairof," and the said Johnne Neilsoun, Gilbert Acannane, and Johnne M^cMillane in Bank appearing, but the remaining defenders not being present, the Lords order the said Johnne Neilsoun, Gilbert Acannan, and Johnne M^cMillane to remain within the burgh of Edinburgh till they settle with the Treasurer-Depute for their said crime. They further order Johnne M^cCalmond, Normand M^cEwin, Johnne M^cMaister, Johnne M^cBurnie, Alexander M^cEwn, Johnne Donald, Johnne and Thomas M^cAlexander, Johnne M^cClelland, George M^cWilliame, Andro Quhyte, Bessie Stewart, Fergus M^cClelland, Cuthbert Logane, Hew Gordoun of Grange, Donald Stevinsoun, Richart Dobie, Gilbert M^cKey, David M^cEwin, Patrik M^cCall, George Levingstoun, Johnne M^cCandyaill, Johnne Gordoun, M^r Johnne Douglas, Robert Schorte, Edward Maxwell of Barmagachane, William Fullertoun, James M^cIlna, Hew Lindsay, George Rowane, and Johnne M^cMillane in Derna, to be denounced rebels. Decreta Jan.–Nov. 1617. Fol. 63, b. Fol. 64. a.

Other cases of the same.

Similar case against David Craufurd in Craigneill, Henry Walker, mason in Mayboll, William Kennedy there, Johnne Goddie at the mill of Caslie, Fergus M^cLuir in Craigfine, Henry Goddie at the mill of Kirkmichaell, Robert Campbell in Mylnetoun, and Donald Roger in Salloche, following on a decreet obtained on 24th November last.—The Lord Advocate appearing personally, and defenders not appearing, the Lords order said defenders to be denounced rebels. Fol. 64, b.

Caption.

Complaint by James Levingstoun, maltman, burgess of Edinburgh, Fol. 65, a.

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that Daniell Coutis, indweller in the Deane, remains unrelaxed from a horning of 28th March last, for not paying to pursuer the sum of £110 of principal and 20 merks of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

against Daniel Coutts for debt to James Livingston.

Acta Mar. 1615–Aug. 1617. Fol. 109, b.

Sederunt—Chancellor; Lotheane; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsayth; Sir Andro Hamiltoun; Sir Alexander Drummond; Sir James Skeene; M^r^ Peter Rollok; Sir Andro Ker.

Edinburgh, 3rd June 1617.[1]

" Forsamekle as, James Murray, maister of his Majesteis workis, haveing aggreit with Johnne Andersoun, painter, to have painted some chalmeris in the Castell of Edinburgh, and, he haveing promeist to haif enterit to the said worke upoun the penult of May last at the forrest, he hes not onlie failyeet in that point, bot by ane idill and frivolous excuise returnit be him to the said maister of workis he seames to pretend some impedi-

Fol. 110, a.

mentis quhairfoir he may not fulfill the conditioun undertane be him, quhairthrou his Majesteis workis in the said castell, quhilkis requiris so quick and present dispatche and expeditioun, ar lyke to be disapointit and hinderit, heichlie to his Majesteis offence, without remeid be providit: thairfoir the Lordis of Secreit Counsell ordanis letteris to be direct chargeing the said Johnne Andersoun to addresse himselff with his workloomes and materiallis necessair for the said worke to the Castell of Edinburgh within sax dayis nixtefter he be chargeit thairto, and to enter to the said worke and perfyte and accomplishe the same with suche convenient diligence as possiblie he may, under the pane of rebellioun, &c., and, yff he failyee, the said space being bipast, to denunce him rebell and putt him to the horne, and to escheit, &c."

Charge against John Anderson, painter, for negligence and delay in painting some rooms in the Castle of Edinburgh.

Decreta Jan.–Nov. 1617. Fol. 65, a.

[Sederunt as recorded above.]

Edinburgh, 3rd June 1617.

Complaint by Katherine Hammiltoun, relict of James Flemyng of Carwood, and Robert Flemyng, his son, as follows:—On 13th May last, Johnne Flemyng, son of William Flemyng of Personis Landis, and five or six accomplices, all armed, went to the lands of Carwood and assaulted the said Robert with their "fauldit nevis" upon the face and on other parts. They held him by force "quhill thay pullit a grite quantitie of

The widow and son of James Fleming of Carwood, against John Fleming and others for trespass and assault.

[1] On this day his Majesty was back in Edinburgh after his fortnight of hunting, &c. in the parts north of the Firth of Forth. The most important of his movements since the date of our last footnote had been on Friday 30th May, when he left Kinnaird House and visited Dundee. On his entry into this town he was received with a speech in English by Mr. Alexander Wedderburn, the Town-Clerk, and presented with two Latin poems—one in hexameters by Peter Goldman, M.D., and the other in elegiacs by James Gleig. He seems to have remained in or about Dundee for the next few days; but the records at this point are vague. He was certainly back in Holyroodhouse on the 3rd of June.

hadder upoun the ground of the saidis landis and caryit the same away." On Sunday 25th May last, the said Johnne and his accomplices drove a large number of cattle, by order of the said William, to these lands, and insolently kept them there till they had eaten a large quantity of "hanyt girs." When the said Robert endeavoured to remove the animals, he was most cruelly assaulted by the defenders. The same day the said Johnne met the said Katherine as she was returning from the kirk within the burgh of Biggar, "quhair sho had bene at the preicheing," and, attacking her "with a grite battoun," wounded her in the hand, "pullit af hir buskenie, and gaif hir mony bauch, bla, and bludy strykis upoun the head, armes, and uther pairtis of the body."—Pursuers and defenders appearing personally, the Lords assoilzie defenders, because they have denied on oath the said charges. The Lords order both parties to find caution in 500 merks.

Decreta Jan.–Nov. 1617.

Fol. 65, b.

Fol. 66, a.

Edinburgh, 5th June 1617.

Sederunt—Chancellor; Ergyle; Binning; Cranstoun; Carnegy; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Medop; Ridhouse; Curriehill; M^r^ Petir Rollok; Sir Andro Ker.

Bessie Murdo and her son Patrick against John Murdo, her other son, for riotous conduct.

Complaint by Bessie Murdo in Terrelgin, and Patrik Murdo, her son, as follows:—Johnne Murdo, pursuer's other son, "haveing schaikin af that naturall respect and dewtie quhilk he aucht to cary to the said complenair his mother, and to his said bruther," by committing thefts and oppressing them, pursuers were constrained to raise letters of lawburrows against him. They entrusted the execution of the same to James Gib, messenger, who accordingly delivered a copy on defender on 22nd March last. "The said Johnne in the verie meantyme fell out in most blasphemous rayling and disgracefull speitcheis aganis his Majestie and the lawis of this kingdome, saying that he caired not for his Majestie and all the lawis of this kingdome," and that "he wald not gif ane puddene for thame,"—together with other unseemly words.—The said Patrik Murdo appearing for himself and his mother, and defender also appearing, but Johnne Walker, weaver in Entirkine, who had been summoned as witness, not being present, the Lords order the said Johnne Walker to be denounced rebel.

Fol. 66, b.

Suspension of horning against Alexander Law and Thomas Lamb, bailies of Kirkaldy, at the instance of Robert Murray, tacksman of the toll at the West Brig of the burgh.

Complaint by Alexander Law and Thomas Lamb, bailies of Kirkaldy, as follows:—Robert Murray at the West Brig of Kirkaldy intends to put pursuers to the horn, if they do not pay £30 as their share for the repair of the West Brig. Defender alleges that the Lords of Council burdened him with this work and granted him a certain impost and duty to carry out the same. "It is of veritie that, quhen the said Robert Murray wes first burdynit be the saidis Lordis to repair and big that brig, the haill nichtbouris and inhabitantis of the said burgh as thay had occasioun to go alangis the said brig maid payment everie ane of the impost and dewtie grantit be the saidis Lordis for that worke, and thay continewit in thankfull payment of this impost certane oulkis and monethis, quhill

Fol. 67, a.

Decreta Jan.–Nov. 1617.

in end the nichtbouris of the said burgh, finding it a mater fascheous and troublesome unto thame to be daylie burdynit and faschet with the payment of the said impost, and complening heirupoun unto the saidis complenairis, thay enterit in conditioun with the said Robert Murray and maid payment to him of the sowme of threttie pundis in full and compleit payment and satisfactioun of all impoist, custome, collectioun, or uther dewtie quhatsumevir that could be craved of thame for a supplie to the said bridge; and thay reportit the said Robertis acquittance upoun the
Fol. 67, b. resset of the said soume." For obedience pursuers have found caution in £30.—Thomas Lamb appearing for himself and Alexander Law, and the said Robert Murray not appearing, the Lords suspend the process of horning.

Caption against Walter Murray of Cassoquhy and others for debt to John Merser.

Complaint by Johnne Merser, son of Donald Merser in Abruthven, that Waltir Murray of Cassoquhy, as principal, and Patrik Rottray of Kinvad, and James Murray, burgess of Perth, as cautioners, remain unrelaxed from a horning of 23rd February 1611, raised at the instance of the said Donald, and Jonett Chalmer, his spouse, for not paying 600 merks of principal, together with the "by-roun annuellis of the annuelrent" of 60 merks, and
Fol. 68, a. £60 of expenses. Pursuer was constituted assignee on 9th April last.—Pursuer appearing by William Crombye, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend Waltir Murray of Cassoquhy and Patrik Rottray of Kinvad, seize their houses, and inventory their goods for the King's use.

Caption against Mr. John Stewart of Dowallie and others at the instance of the widow and kin of the late John Low.

Complaint by M^{c}Gibboun, relict, Issobell Low, daughter, James Low, brother, and the remaining kin, of the late Johnne Low in Garnetullie, that M^{r} Johnne Stewart of Dowallie, Waltir and Thomas Stewart, his brothers, Johnne Reid in Dowalleis, Johnne Catenache in the Hauche of Kilmoriche, Alexander Stewart, brother of George Stewart of Clocholdiche, M^{c}Patrik Moir in the Burrell of Kilmoriche, William M^{c}Farlane there, Robert Mure *alias* Officiar, Johnne M^{c}Nicoll in Gay, Robert M^{c}Cleriche in Rolmell, Donald M^{c}Intagart in Logyrait, and Duncane Robertsoun in Dunkeld remain unrelaxed from hornings of
Fol. 68, b. 15th February 1614, at the instance of the King's Advocate, for not finding caution for their appearance before the Justice to answer the charge of having slain the said Johnne Low.—Pursuers appearing by Hew Stewart, servitor to M^{r} Johnne Hay, one of the Clerks of Session, and the defenders not apipearng, the Lords give order as above against M^{r} Johnne Stewart, Waltir and Thomas, his brothers, Johnne Reid, Johnne Catenache, M^{c}Patrik Moir, William M^{c}Ferlane, Robert Moir, Johnne M^{c}Nicoll, Robert M^{c}Cleriche, Donald M^{c}Intagart, and Alexander Stewart.

Caption against Sir James Stewart of Balliachin and others for debt to Andrew Low, burgess of Perth.

Complaint by Andro Low, burgess of Perth, and Issobell Lamb, his
Fol. 69, a. spouse, that Sir James Stewart of Balliachin, knight, as principal, and Johnne Stewart of Graniche, George Stewart of Drumnacarff, and M^{r} Waltir Stewart of Blakhillis, as cautioners, remain unrelaxed from a horning of 9th January last for not paying 1000 merks of principal and £100 of expenses.—Pursuers appearing by Hew Stewart, servitor to M^{r} Johnne Hay, one of the Clerks of Council and Session,

and defenders not appearing, the Lords give order as above against defenders. Decreta Jan.–Nov. 1617.

Suspension of horning against Sir William Sinclair of Catboll at the instance of Lady May and others.

Complaint by Sir Williame Sinclair of Catboill, as follows:—He is informed that he has been put to the horn at the instance of Margaret Forbes, Lady May, Johnne Sinclair of Ganeis, her son, William Ogilbie, his servant, Thomas Caddell in Catboill, Alexander M^cCullo there, and William Purdie, notary in Caithnes, and also at the instance of the King's Advocate, for his alleged refusal to appear before the Council on a certain day now past, to answer to a complaint made by the said Margaret, Johnne and Alexander Sinclair, her sons, the said William Purdie, Johnne Robertsoun in Ros, Donald Bugie in Caithnes, Johnne Dik in Ros, and William Ogilbie, servitor to Johnne Sinclair, for not finding caution for their indemnity. He pleads that he was not lawfully charged, and yet, for obedience, has found caution in £1000 to appear this day; and he craves suspension of the horning.—Pursuer appearing personally, and defenders not appearing, the Lords grant pursuer's petition. Fol. 69, b. Fol. 70, a.

Caption against Archibald Douglas of Carronhill for debts to Hew Douglas of Ballebucht.

Complaint by Hew Douglas of Ballebucht, that Archibald Douglas of Carronhill remains unrelaxed from the following hornings:—(*a*) on 11th May 1611, for not paying 50s. for each boll of 8 bolls victual of "Niddisdaill mett" for 1607, 1608, and 1609, 6s. for "ilk sax scheraris of aucht band wonne and half of scherairis in ane day of harvest" in those years, 8s. for the service of "ilk naig of sevintene hors in ane day of harvest" for the same years, as a composition and satisfaction for the service which the said Archibald should have done in "harrowing, scheiring, and leiding of his cornis of the maynis of Mortoun yeirlie the yeiris foirsaidis," together with his share of £12 of expenses; (*b*) on 11th May 1611, for not restoring the corn mentioned in the letters of horning in as good condition as it was at the time of the intromission, or else the price of the said corn together with £12 of expenses; and (*c*) on 25th August 1614 for not paying 50s. as the price of harrowing each boll of 8½ bolls "Niddisdaill mett" during the years 1610, 1611, and 1612, 22s. for "ilk sex scheraris of aucht band wonne and half ane day in harvest" during the said years, 8s. for the service of "ilk naig of sevintene ane day in harvest" the said years, as satisfaction for service which the said Archibald should have done, and £12 of expenses.—Pursuer appearing by James Dowye, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 70, b.

Commission to the Earl of Tullibardine and others for the apprehension of George and John Crockett, and Mr. James Bannerman,

Commission under the Signet, signed by the Chancellor, Argyle, Binning, R. Cokburne, and George Hay, is given to William, Earl of Tullibairdin, the Captain of the Guard, or any of his company, M^r Thomas Abircrombie, Tutor of Murthlie, Duncane Menzeis of Comrie, and James Drummond of Boighall to apprehend and exhibit before the Council George Crokett in Drummavertie, Johnne Crokett, his son, in Dungarthill, and M^r James Bannerman, minister at Capeth, who remain unrelaxed from a horning at the instance of Cristeane Hall, relict, George, Commissions. Fol. 30, b.

Commissions.

Jonet, Cristiane, and Issobell Thomsone, children, and the remaining kin of Johnne Thomsoun in Boquhollie, for not finding caution to appear before the Justice on 13th instant to underly the law for the cruel and odious slaughter of the said Johne Thomsone. at the horn for not answering for the slaughter of John Thomson.

Acta Mar. 1615–Aug. 1617. Fol. 110, a.

[No record of Sederunt.]

Edinburgh, 7th June 1617.[1]

"Forsamekle as, thair hes bene some questioun betuix the maister of his Majesteis cariadge and these who send thair cairtis and horsse for lifting of the cariadge at Beruick, Dunglas, Dunbar, and Seytoun, anent thair pay, thay craveing allowance and pay for ma horsse in every cairt nor wes sufficient for drawing of the cairt, and to the effect the maister of his Majesteis cariage may know quhat to pay for everye cairt that served his Majestie in the removes foirsaidis: thairfoir the Lordis of Secreit Counsell allowis for everie grite cairt that served his Majestie in the saidis removes tuelff horsse, and for everie small cairt three horsse, and ordanis the maister of the cariage to mak payment according to this present allowance of xij and three horsse in maner foirsaid and no otherwayes; wheranent thir presentis salbe his warrand." Dispute as to the number of horses to be charged for each cart employed for carriage of his Majesty's luggage.

Sederunt—Chancellor; Argyll; Binning; Master of Elphinstoun; Privy Seal; Clerk of Register; Advocate; Kilsaythe; Bruntyland; Medop; Curryhill; Sir Andro Ker; Sir William Alexander. Edinburgh, 10th June 1617.

[1] Of the King's doings in Edinburgh since his return thither from his hunting excursion in the north we have a glimpse in the following extract from a letter, of date 6th June, sent by the English Secretary of State, Sir Thomas Lake, then with his Majesty in Edinburgh, to a correspondent in Lon on:—"We "are fixed for a time to this city till the "Parliament be past, which beginneth the "17th of this month. In the meanwhile his "Majesty is in consultation by way of pre-"paration towards his ends,—that is, to pro-"cure better maintenance than the ministry "here hath, and some conformity between "this Church and ours in England in the "public service; whereof of the first it is "hard to guess the success, so many great "men are interested in the tithes. Towards "the other, his Majesty hath set up his "Chapel here in like manner of service as it "is in England; which is yet frequented well "by the people of the country" (quoted in *Nichols's Progresses* iii. 335–6).

[2] The following from *Calderwood* (vii. pp. 246–7) has an interest at this point:—"The "Noblemen, Councillors, and Bishops, so manie "as were in Edinburgh, were commandit to "repair to the Palace of Halyrudhous upon "Whytsunday the 8th of June, where the "communion was to be celebrate after the "English forme. The Chancelour, Secretarey "Hammiltoun, Sir George Hay, Clerk of "Register, the Earl of Argile, the Bishops St. "Androes, Glasco, Rosse, Brechine, Dum-"blane, and sundrie others, communicated "kneeling, not regarding either Christ's "institution or the ordour of our Kirk. The "Bishop of Galloway [William Cowper] "refused, but continued not long in that "moode. Upon the Tuisday following [10th "June] the King ordained the Lords of "Secrete Counsell to wairne the Marquis of "Hammiltoun, the Earles of Marre and Glen-"carne, who were in the Chapell but com-"municate not, to prepare themselfs against "the nixt Lord's day to communicate after "the same maner. Mr. William Struthers, "one of the ministers of Edinburgh, preached "this day in the Chapell before the King, "and observed the English forme in his "prayer and behaviour."—To about the same date belong the incidents thus noted in a letter of London gossip respecting his Majesty's doings in Edinburgh quoted in *Nichols's*

Arrangements for the carriage of his Majesty's luggage from Holyrood House to Dalkeith and back.

"Forsamekle as, the Kingis Majestie being myndit, God willing, for his recreatioun and pastyme to go to Dalkeythe upoun Wednisday the ellevint of this instant and to remain thair till Satterday thairefter, necessair it is that his Majesteis cariadge be in dew tyme lifted and transportit to and fra Dalkeythe; quhilk the justiceis of peace within the schirefdome of Edinburgh hes appointit to be lifted as followis,—to witt, that Mussilburgh and Mussilburgh shyre sall furneis and send oute fourtie furneist cairtis with three horsse in every cairt, the toun of Dalkeythe ten furneist cairtis, the parrochine of Or[mist]oun aucht furneist cairtis, the parrochine of Newbottle foure furneist cairtis, the barone of Brughtoun for the baronie thairof aucht furneist cairtis, oute of the baronie of Innerleythe, quhilk is a pairt of the parrochine of St. Cuthbertis, foure furnist cairtis, oute of Rauilstoun ane cairt, the parrochine of Dudingstoun three furnist cairtis, and the parrochine of Libertoun tua furnist cairtis: Thairfoir ordanis letteris to be direct chargeing all and sindrie personis whome this service propirlie concernis, and the constablis within the particulair parrocheis foirsaidis, that thay and everyone of thame direct and send thair cairtis to Haliruidhous upoun the xj of this instant afoir foure of the cloke in the moirning for lifting and transporting of his Majesteis cariage thairfra to Dalkeythe, and that lykewayes thay direct and send thair cairtis foirsaidis to Dalkeythe upoun Satterday the xiiij day of Junij instant at foure of the cloke in the moirning for lifting and transporting of the cariage thairfra to Haliruidhous, and that nane of thame presoome nor tak upoun hand to be absent; and that the saidis constabillis come with the saidis cairtis to the placeis foirsaidis and present thame to the maister of his Majesteis cariadge and ressave thair pay: under the pane of sax pundis for everie horsse that salbe absent and sall not come in dew and laughfull tyme for lifting of the said cariage in maner and at the tymes foirsaidis, and under the pane of warding of the saidis constabillis during the saidis Lordis will and pleasour." Acta Mar. 1615–Aug. 1617. Fol. 110, b.

Edinburgh, 10th June 1617.

[Sederunt as recorded above.]

Decreta Jan.–Nov. 1617. Fol. 71, a.

The Laird of Mackintosh against Cameron of Lochiel for armed resistance to him in his attempt to

Complaint by the King's Advocate and Lauchlane M^cIntosche of Dunnauchtane, heritable bailie and steward of the Lordship and Stewartry of Lochaber, as follows:—In July last the said Lauchlane proclaimed courts to be held for the administration of justice to the inhabitants within the bounds of the said Lordship. On July,

Progresses, iii. 344:—"Our churchmen and "ceremonies are not so well allowed of: the "rather by an accident that fell out at the "burial of one of the Guard, who died there, "and was buried after the English fashion; "when the Dean of St. Paul's, preaching, "desired all the assembly to recommend with "him the soul of their deceased brother to "Almighty God,—which was so ill taken "that he was driven to retract it openly, and "to confess he did it in a kind of civility, "rather than according to the perfect rule of "divinity. Another exception was taken to "Dr. Laud's putting on a surplice when the "corpse was to be laid in the ground."

Decreta Jan.–Nov. 1617.

he went to his house of Keppache on the water of Spean, where he stayed till the day fixed for the holding of the courts. Meanwhile Allan Camroun of Lochyell assembled together Duncane Camroun *alias* M^{c}Mertene, Dowgall Camroun, Dougall Camroun *alias* M^{c}Allaster M^{c}Coull, Donald Camroun, *alias* M^{c}Martene, Ewne Camroun *alias* M^{c}Martene, M^{c}Condochie M^{c}Ewne, Johnne M^{c}Allaster V^{c}Coull, Camroun, son of Ewne M^{c}Condochie V$_{c}$Ewne, and Allan Moir M^{c}Invich, with others to the number of 200, armed with "bowis, darlocheis, durkis, Lochaber aixis, tua handit swerdis, haberschouis," and hagbuts and pistollets; and, "concurring togidder in a most wicked and rebellious societie," they resolved to withstand the holding of the said courts. They, understanding that the said Lauchlane must cross the water of Lochy at the ordinary fords, resolved to guard the same and to stay his passage. "And for this effect thay, be [the] haill space of aucht dayis togidder preceiding the day foirsaid appointit for halding of the saidis courtis, causit a nomber of thair saidis compliceis cast and digg up trinsches and strong fortis of stone and feall alongis the fuirdis of the said watter of Lochy upoun the syde thairof, and placeit and plantit the name [nomber?] of fyftie muscataris in the saidis trinsheis. And the said Allan Camroun ranked the remanent of his saidis compliceis in battall array outwith the saidis trinsches and fortis. And thair, upoun the day foirsaid appointit for halding of the saidis courtis as said is, howsoone the saidis personis persavit the said Lauchlane M^{c}Intosche approtcheing agaitward toward the said walter of Lochy and fuirdis thairof, of purpois to haif corsit the same for halding of the saidis courtis, thay schote and dischairgit the haill nomber of thrie hundreth schote of muscat and hagbute over the said walter; and, the said Lauchlane haveing come unto the watter syde of Lochy and being entiring in the fuirdis thairof, the saidis personis of new agane schote and dischairgit at him and his saidis compliceis and servandis the haill nomber of four hundreth schote of muscat and hagbute, of purpois to haif schote and slane him thairwith; and thairby violentlie stayit the said Lauchlane M^{c}Intosche fra passing throw the saidis fuirdis and fra halding of the saidis courtis."—Pursuers appearing, and defenders not appearing, the Lords find the charges proven, and order the said Allane Camroun of Lochyell, Duncane Camroun *alias* M^{c}Martene, Dowgall Camroun, Dougall Camroun *alias* M^{c}Allaster, and Donald Camroun *alias* M^{c}Martyne to enter their persons within the Tolbooth of Edinburgh within fifteen days, and to remain there at their own expense till further order be taken.

hold courts for the administration of justice in Lochaber.

Fol. 71. b.

Fol 72, a

Complaint by Donald M^{c}Allan V^{c}Eane of Ylantyrim, Captain of the Clanronnald, as follows:—On October last, Ewne M^{c}Eane Twiche in Tyrlandie, Allane M^{c}Charlis M^{c}Ewne M^{c}Eane in Mamor, and Lauchlane M^{c}Chairlis V^{c}Ewne, his brother, with others to the number of twenty four, all armed, went to pursuer's lands of Glenarradill in Moydert, and not only took away "the haill nolt, horse, schep, gait, and uther bestiall," to the number of 400 animals in all, belonging to his tenants, but also

The Captain of Clanranald against Ewne MacIan and others for violence to his tenants.

Fol. 72. b.

attacked Katherine Nine Eane Duy, spouse of Johnne M^cAngus M^cCoule in Glenarradill, and Everik Nin Gillichallum, spouse of Dougall M^cAngus Moir there, struck them on sindry parts of their bodies, bound them with "widdeis and bowstringis," and carried them away, with sixteen of pursuer's tenants, men and women. They conveyed them the distance of 16 miles, "haveing bound thame all with bowstringis and tirred thame naiked of all thair clothes, exponit thame to the injurie of the cauld weddir, quhairby Moir Nin Elspik Roy, on the way as scho wes caryed bound away with thame as said is, pairtit with bairne, to the extreame hasard of hir lyff."—Pursuer appearing by James Logy, and defenders not appearing, the Lords order said defenders to be denounced rebels. Decreta Jan.–Nov. 1617.

Alexander Stewart, with the brother and other kin of the late Walter Stewart, burgess of Inverness, against the Laird of Mackintosh.

The Lords have assigned the 4th November next for proof by Alexander Stewart, son, James Stewart, brother, and the remaining kin of the late Waltir Stewart, burgess of Innernes, in the action raised by them against Lauchlane M^cIntosche of Dunnauchtane, that Johnne M^cConeill M^cEane M^cPhaill "in the wester davach land of Wester Cullone," who is at the horn for the murder of the said Walter, is his tenant, "accompaneis him at oisting and hunting, dependis upoun him, and is sic a persone as he is obleist to ansuer for be the lawis of this realme." The said James Stewart and Lauchlane M^cIntosche, being present, are warned *apud acta*. Fol. 73, a

Edinburgh, 12th June 1617.[1]

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgu; Argyll; Abircorne; Lotheane; Bishop of Ros; Binning; Master of Elphinstoun; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsaythe; Ridhous; Medop; Curryhill; M^r Peter Rollok; Sir Andro Ker. Acta Mar. 1615–Aug. 1617. Fol. 110 b.

Warrant fo £10,000 more to James Baillie.

Warrant to the Treasurer-Depute for payment of £10,000 to James Baillie, one of the receivers of his Majesty's Rents, for the "necessair provisioun and furnissing for his Majesteis housholde."

Proclamation for the keeping of the settled ranks by the Noblemen attending the Parliament now about to meet, with regulation that the representatives of the Smaller Barons

"Forsamekle as, for eshewing of trouble and contestatioun whilk ordinarlie fallis oute amangis the nobilmen of this kingdome at the tyme of Parliamentis and generall Counsellis anent thair ranking and voiting, the Kingis Majestie gaif ane commissioun to certane of the nobilitie and otheris of the Counsell to sett doun the rankis of the haill noblemen according to the verificatioun of thair antiquiteis; quhilkis commissionaris after lang panes and travellis tane be thame in that mater gaif furthe thair decreit and sentence, quhairby thay sett doun the rankis of the haill Fol. 111, a.

[1] On the preceding day,—Wednesday 11th June,—his Majesty and train went to Dalkeith Palace, the seat of the Earl of Morton. There, as at other places, there were not wanting poetical accompaniments to the formalities of his reception. In *The Muses Welcome* eight pieces of Latin verse are printed as having been presented to him at Dalkeith: the first in hexameters, signed "A. Simonides" (*i.e.*, A. Simson), and seven pieces in elegiacs, all anonymous save the last two, which are signed respectively "Gualterus Ballentinus, J. Licent." (*i.e.*, Walter Ballantine, Licentiate of Law) and "Arthurus Muirhead." There seems to have been a stay of a day or two at Dalkeith.

Acta Mar. 1615–Aug. 1617.

noblemen of this kingdome according to the verificatioun and productioun of thair antiquiteis [*ante*, vol. vii. p. 118]; and whereas the Soverane and Heigh Courte of Parliament of this kingdome is to be haldin at the burgh of Edinburgh, and to begin, God willing, upoun Tuisday the xvij day of Junij instant, quhairat his Majestie, with divers personis of rank and qualitie of the kingdome of England, wilbe present: his Majestie doubtis not, bot is assuirit, that all his nobillis who ar to be present at this Parliament will haif a reverent and dewtifull regaird to keepe that ordour and modestie whilk becometh, and to content thame selffis with thair rankis and placeis as thay ar sett doun in the said decreit, and, whenas ony of thame findis thame selffis greevit be thair ranking, that thay will reserve thair greevis to ane other tyme and seeke the reparatioun thairof according to the ordour prescryved in the said decreit: Thairfoir the Lordis of Secreit Counsell ordanis officiaris of armes to pas to the mercatt croce of Edinburgh, and thair be oppin proclamatioun to command and charge the haill noblemen of this kingdome who ar to be present at this Parliament that thay and every one of thame content thame selffis with thair rankis and placeis as thay ar sett doun in the said decreit, and that thay mak no trouble, questioun, nor contestatioun at this tyme anent thair placeis; and, suche as sen the tyme of the said decreit hes beene preferrit and advanceit be his Majestie to degrees and rankis of honnour, that thay tak thair placeis and rankis according to thair creationis and no utherwayes; certifeing thame that sall do in the contrair that not onlie sall thay incur his Majesteis havie wraith and indignatioun, bot thay salbe repute, haldin, and estemit as disturbaris of the peace of the Parliament and salbe censurit thairfoir accordinglie. And, seeing it hes beene oftymes commandit in sindrie preceding Parliamentis that the Commissionaris for the Small Baronis sould provide thame selffis with horsse and futemantillis to attend his Majestie to the Parliament House frome his pallice: thairfoir to command and charge the Commissionaris for the Small Baronis and Burrowis that thay addresse thame selffis in dew and lauchfull tyme to his Majesteis pallice of Haliruidhous upoun Tuisday the xvij of this instant, and attend his Majestie thairfra to the Parliament House upoun horsbak and with footemantillis; certifeeing thame that sall not be prepairit with horsse and futemantillis as said is that thay salbe noted as absentis and accordinglie salbe unlawit, and thay sall haif no place nor voit in this present Parliament. And siclyke to command and charge all and sindrie personis repairing to this present Parliament that thay observe his Majesteis peace ilkane with otheris under the pane of deade."[1]

and the Burghs attend on horseback and with footmantles.

Fol. 111. b.

"Forsamekle as the commissionaris and justiceis of peace within the schirefdomes of Striviling and Clakmannane, according to ane warrand

Order anent arrangements in the shires of

[1] The preliminary ceremony of the "fencing" of the Parliament (*i.e.*, of its formal opening) had been on the 27th of May, during his Majesty's absence on his hunting tour in the North. Parliament had been adjourned thence to the 13th of June; and it had been then again adjourned to the 17th, when it was to meet for the despatch of business.

Stirling and Clackmannan for the carriage of his Majesty's luggage on his three next intended journeys,—viz., from Edinburgh to Stirling on the 30th of June, from Stirling to Falkland on the 3rd of July, and from Stirling to Glasgow on the 22nd of July.

and directioun in write send unto thame be the Lordis of Secreit Counsell, hes tane particulair notice of the haill parrocheis within the saidis schirefdomes and of the nomber of horsse for cariadge that everie parroche may furnishe and send oute for lifting of his Majesteis cariadge, and thay haif presentit unto the saidis Lordis ane roll contening the nomber of horsse that everie parroche sall send oute, with the names of the constablis who ar appointit to have the charge and to be ansuerable that the horsse of the parroche salbe in reddynes at the tymes and placeis to be appointit:—that is to say, the parrochine of St. Ninianes, quhairin Johnne Werdie, Hercules Sinclair, Thomas Turnbull, and Walter Grahame ar constablis, four hundreth horsse; the parrochine of Bothkennair, quhairin James Moore and Alexander Callendar ar constablis, fiftie horsse; the parrochine of Airth, [quhairin] Andro Cowye and Johnne Roishill ar constablis, ane hundreth ho[rsse]; the parrochine of Kippen, quhairin James Ur and Duncane B[uchannane?] ar constabillis, ane hundreth horsse; the parrochine of Sl[amannane], quhairin Walter Rankin is constable, fourtie horsse; the parrochine of Alweth, quhairin James Dryisdaill and Johnne Mairshaell ar constabillis, threttie horsse; the parrochine of Dillicoultrie, quhairin Thomas Alexander is constable, fourtie horsse; the parrochine of Logye, quhairin Williame Alexander in Menstrie, Johnne Kempt in Cornetoun, and Johnne Gentleman in Logye ar constablis, threescoir horsse; the parrochynnis of Alloway and Tullibodie, quhairin . . . Dow and Johnne Mitchell ar constablis, threescoir ten horsse; the burgh of Striviling threescoir horsse; the parrochine of Fal[kirk] three hundreth horsse; the parrochine of Clakmannane . . . horsse; the parrochine of Dollour, quhair James Brek is constable, fyfteene horsse:—lyke as the justiceis of peace within the Stewartrie of Menteathe hes promeist to furneishe and send oute threescoir horsse, and hes appointit James Doig [Moir?] of Fee of the said Stewartrie and Robert Buchannane in Bochastell to have the charge to caus the saidis threescoir horsse be in reddines as thay salbe adverteist be the maister of his Majesteis cariadge, as in the act and note maid be the saidis justiceis of peace heiranent at lenth is contenit: And, seeing his Majestie intendis, God willing, to remove frome Edinburgh towardis Striviling upoun Mononday the last day of Junij instant, and frome Striviling to Falkland upoun Thurisday the third day of Julij nixt, and frome Striviling to Glasgu upoun Twisday the 22 day of the said moneth of Julij next, necessair it is that in thir three removes dew and tymous provisioun be maid for lifting of his Majesteis cariage, viz., fra Lynlythqw to Striviling upoun the said last day of Junij instant, frome Striviling to Falkland upoun the said third day of Julij nixt, and frome Striviling to Glasgu upoun the said 22 day of Julij nixt; quhilk must be done be the inhabitantis of the particulair parrocheis abonewrittin and be the inhabitantis within the said Stewartrie of Menteithe: For quhilk purpois the Lordis of Secreit Counsell ordanis letteris to be direct chargeing all and sindrie the parrochynnaris within the parrocheis particularlie abonewrittin, the

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constablis appointit within the saidis parrocheis, and the saidis James Doig and Robert Buquhannane who hes the charge of the said service for the Stewartrie of Menteith, that thay and everyone of thame do and performe that whilk to thair charge and service apperteynis: viz., the saidis parrochynnaris to ansuer and obey the saidis constablis, and the saidis parrochynnaris and constablis joyntlie to direct and send, and caus the nomber of horsse abonewrittin, sufficientlie providit with all kynd of furnitour necessair for cariadge, be directit and send, in dew and laughfull tyme aboute the brek of day, to the burgh of Lynlithqw upoun the said last day of Junij for carrying of his Majesteis cariadge thairfra to Striviling: and that thay send the saidis horsse providit in maner foirsaid to the said burgh of Striviling upoun the saidis third and 22 dayis of Julij be brek of day for lifting and carying of his Majesteis cariage fra Striviling to Falkland and fra Striviling to Glasgu as thay salbe directit and commandit be the maister of his Majesteis cariage,—under the pane of sax pundis for everie horsse that salbe absent the dayis and placeis foirsaidis and warding the awnaris of the saidis horsse and [of?] the constablis foirsaidis for the space of ane moneth. For payment of the quhilk soume of sax pundis, that the saidis officiaris poind and distrenyee thairfoir."

Decreta Jan.–Nov. 1617. Fol. 73, a.

[Sederunt as recorded above.]

Edinburgh, 12th June 1617.

Complaint by George Ker, son of James Ker in Lintillie, as follows:— Pursuer has been charged at the instance of Williame, Earl of Angus, to desist from working and manuring the lands of Lintillie, and to leave the same. The alleged decreet was procured by Johnne Douglas in Wadaspinilie. Pursuer has possessed these lands for 20 years, and has yearly paid to the Earl's chamberlain the "maill, dewtie, and service usit and wount to be payit for the same." Pursuer, who was never lawfully ordered to remove, obtained a suspension against the said Earl till 1st June. "This mater can nawyse lauchfullie and ordourlie be discussit before the Lordis of Prevy Counsaill, bot sould be onlie disputed before the judge ordinair." For obedience he has found caution in £100 to cease from working the said lands.—Pursuer appearing, and the said Johnne Douglas appearing for himself and the Earl of Angus, the Lords find that the letters raised by the Earl are in order, and shall stand, without prejudice to the aforesaid suspension.

George Ker against John Douglas.

Fol. 73, b.

Fol. 74, a.

Complaint by Mr Robert Foullis and Mr David Prymrois, advocates, that Mr James Durhame of Duntarvie remains unrelaxed from a horning of 26th November last for not paying to them 6000 merks of principal and 1000 merks of expenses.—Pursuers appearing by William Lowdiane, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against Mr. James Durham of Duntarvie for debt to Mr. Robert Foullis and Mr. David Primrose.

Fol. 74, b.

Complaint by Johnne Gordoun, apparent of Sudraw, that Johnne

Caption

against John Dunbar of Westfield for debt to John Gordon.

Dumbar of Westfeild remains unrelaxed from a horning of 15th February last for not paying £339 to pursuer.—Pursuer appearing by David Johnnstoun, and defender not appearing, there is order to the Captain of the Guard as above. Decreta Jan.–Nov. 1617.

William Clugston, burgess of Whithorn, against Lord Garlies, Archibald Stewart of Wig, and his son Alexander Stewart, for assault and oppression.

Complaint by William Clugistoun, burgess of Quhithorne, as follows:—Pursuer, having endured many wrongs at the hands of Alexander, Lord Stewart of Garleis, Archibald Stewart of Wig, Alexander Stewart, his son, and others, and being loath to make complaint to the Council and "bring the said Lordis name in questioun or publict audience," resolved to procure his safety and peace by raising letters of lawburrows. Accordingly, on 17th instant, Robert M^cNab, messenger, charged the said persons Fol. 75, a. by his direction. Defenders, however, resented his action, and resolved "for this onlie caus" to have his life. On the same day the said Archibald and his son lay in wait for him on his own lands near the town of Quhithorne, and committed a fierce assault upon him by wounding him in three places and on the left hand. Pursuer escaped with difficulty, by "the pleasour of Almichtie God, who is the protectour and defendair of innocentis." "And, fearing, as it fell oute thairefter, that thay wold not content thame selfis with this injurie and wrong done unto the said complenair, bot that thay wald assemble gritter pouer and forces to haif his lyff, the said complener thairfore took a boit and past to the sea, not darring hasard to abyd in his awne house; and he wes scairse af the schore whenas the said lord, upoun adverteisment maid unto him that the said complenair had eschaiped with his lyff and wes not slane, come ryding in all haist toward the said burgh of Quhithorne, quhair he thocht to haif found the said complenair and to haif tane his lyff, and brak up the duris of his house, searcht and socht him throw all pairtis of the house, and stoggit his beddis; and, being informed that the said complenair for his suirtie had withdrawne him self to the sea, he immediatlie with his haill company tooke boitis, and followit and chaissit him with the gritest speid thay micht the space of sexten myllis towardis the burgh of Kirkcudbricht. And, wer not it pleased God a thik mist fell oute and the dark nicht come on, quhairthrow thay tint sicht of the said complenairis boit, thay had overtane him and outher slane him or overquhemeld him and his boit in the sea. And, the said complenair haveing recovered the land, thay landit lykwyse about that same pairt quhair he landit; and, immediatlie after thair landing, the said Lord Garleis directit and send ane of his company in all haist to the burgh of Kirkcudbricht to the laird of Bomby, intreating him upoun the bandis of freindschip standing betuix thame that he wald mak diligent inquirie for the said complener throughout the burgh of Kirkcudbricht, and send him word Fol. 75, b. gif he wes thair. And the said lord him selff and the rest of his company past the most pairt of the nixt day, being Sonday, in searcheing and seiking of the said complenair through all the pairtis about quhair he landit, not leiving so muche as the coirnair of ane craig unsocht. And so violent is thair raige and furie yit aganis the said complenair that he dar not go

Decreta Jan.-Nov. 1617.

home to his awne house, bot wilbe constrayned to leave the cuntrey, gif by his Majesteis royall auctoritie he be not protectit."—Pursuer appearing personally, and the said Lord Garlies also appearing, but the other defenders not being present, the Lords find the charges against the said Alexander Stewart proven, and order officers to charge him to enter his person within the Tolbooth of Edinburgh within six days, and to remain there at his own expense till further order be taken. They assoilzie Lord Garleis and Archibald Stewart; and order the said Lord to find caution in 2000 merks for the indemnity of pursuer, and his tenants and servants, and to remain in Edinburgh till he find the same.

Fol. 76, a.

John Johnston against Robert Maxwell of Dinwiddie and John Maxwell for illegal arrest.

Complaint by Johnne Johnnstoun, son of Thomas Johnnstoun in Makmaak, as follows:—On 2nd instant, pursuer was apprehended without just cause in the burgh of Dumfreis by Robert Maxwell of Dynwoddie, and Johnne Maxwell, called the Tutor of Aikinheid, and delivered by them to the provost and bailies of that burgh, by whom he was committed to the Tolbooth, where he still remains.—Pursuer appearing personally, and defenders also appearing, the Lords assoilzie defenders, because, pursuer leaving the proof of the charge to their oath, they have denied the whole affair. The Lords order both parties to find caution in 500 merks, and not to leave Edinburgh till they find the same.

Fol. 76, b.

John Shaw, an attendant on MacLeod of Harris, committed to ward at the instance of Isobel Mackenzie and others.

Complaint by Issobell M^{c}Kanzie, relict, and the friends, of the late Johnne M^{c}Kanzie of Raternes, Robert Alexander, skipper in Bruntiland, Andro Sym and James Kay, skippers in Kinghorne, as follows:—In September last they obtained a decreet against Johnne Schaw, dependant of Sir Rorye M^{c}Cleud of Hereis, showing that the said Johnne had assisted Gillichallum M^{c}Rorie M^{c}Cleud and other rebels of the Isles by giving them an eight-oared boat for the pursuit and slaughter of the said Johnne M^{c}Kanzie, and for the robbery of the said Robert Alexander, Andro Sym, and James Keyth, and ordering him to enter his person within the Tolbooth of Edinburgh. Defender has paid no attention to the same, "becaus, he being a brokin Hielandman, he knawis thay will not be able to get ony personall execution aganis him." Pursuers are informed that he is in this town with Sir Rorye M^{c}Cleud of Hereis, and is entertained by him "in his chalmer and ludgeng."—The said Robert Alexander, Andro Sym, and James Kay appearing personally, and the said Sir Rorye M^{c}Cleud also appearing and exhibiting the said Johnne Schaw, the Lords order the said Johnne to be kept in the Tolbooth at his own expense till he be tried on the charges preferred against him.

Fol. 77, a.

Acta Mar. 1615–Aug. 1617. Fol. 112, b.

Sederunt:—Chancellor; Lennox; Huntlie; Treasurer; Argyill; Montrois; Perthe; Wyntoun; Tullibardine; Viscount Fentoun; Binning; Burley; Lord Gordoun; Carnegye; Treasurer-Depute; Haliruidhous, 22nd June 1617.[1]

[1] There had been two important events in the interval between the last meeting of Council and the present:—I. Meeting of the Parliament.—The Parliament had duly met in the Tolbooth of Edinburgh for despatch of business, as appointed on Tuesday the 17th. It was about two o'clock in the afternoon when the procession accompanying his Majesty from Holyroodhouse,—all the Scottish lords on horseback, but none of the English,

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Clerk of Register; Sir Andro Hamiltoun; Sir Andro Ker; Sir William Alexander. Acta Mar. 1615–Aug. 1617.

Lord Hay of Sala admitted of the Council.

This day James, Lord Hay of Sala, was admitted of the Council with

except the Earl of Buckingham,—reached the Tolbooth. The Earl of Argyle carried the crown, the Earl of Mar the sceptre, and the Earl of Rothes the sword. It was a very full Parliament indeed, as appears from the list of those present given in the *Acta Parl. Scot.* iv. 524–6. His Majesty himself was on the throne; and around him were the following 172 persons in their proper costumes and their several ranks and places (the asterisks affixed to some of the names to be explained presently):—*For the Clergy* 13, viz. The Archbishop of *St. Andrews and the Archbishop of *Glasgow; the Bishops of *Dunkeld, *Aberdeen, Moray, *Brechin, Ross, *Dunblane, Caithness, The Isles, *Argyle, Orkney, and the Abbot of Crossraguel: *Nobles* 44, viz. The Duke of *Lennox, the Marquises of *Hammilton and *Huntly, the Earls of *Argyle, Errol, *Mar, Rothes, *Montrose, Eglinton, Buchan, Winton, Home, Perth, Abercorn, Lothian, Tullibardine and Roxburgh; Viscounts Fenton, Haddington, and Lauderdale; and Lords Forbes, Gray, *Ochiltree, *Sanquhar, Yester, Semple, Herries, Elphinstone, Ross, Boyd, Torphichen, Loudoun, Balmerino, *Scone, Buccleuch, Blantyre, Burley, Holyroodhouse, Garlies, Maderty, Kintail, Cranstoun, *Binning, and Carnegie: *Officers of State*, in addition to the Earl of Mar as Lord High Treasurer and Lord Binning as Secretary, 6, viz. *Lord Privy Seal (Sir Richard Cockburn), *Clerk of Register (Sir George Hay, *Master of Requests (Sir William Alexander), *Justice Clerk (Sir John Cockburn), *Lord Advocate (Sir William Oliphant), and *Treasurer-Depute (Sir Gideon Murray): *Commissioners for the Lairds or Lesser Barons*, 46, viz. for Edinburghshire, the Lairds of *Dalhousie and Smetoun-Richardson; for Linlithgowshire, the Lairds of Dundas and Newliston; for Stirlingshire, the Lairds of Dunipace and *Keir; for Fifeshire, the Lairds of *Wemyss and St. Monans; for Aberdeenshire, John Leslie of Boquhan and Mr. John Cheyne of Arnotshire; for Berwickshire, the Laird of *Blackadder and Archibald Douglas of Tofts; for Perthshire, the Lairds of *Garntully and Balmanno; for Roxburghshire, the Lairds of Cavers and Liddell; for Renfrewshire, the Lairds of Pollock-Maxwell and Castlemilk; for Selkirkshire, Sir Patrick Murray of Langshaw and George Hoppringle of Torwoodlee; for Kincardineshire, Alexander *Strauchan of Thornton and Robert Graham of Morphie; for Ayrshire, the Laird of Caprington and Josias Stewart of Broughton; for Lanarkshire, *Sir John Hamilton of Letterick and the Laird of Calderwood; for Dumbartonshire, William Semple of Foulwood; for the Constabulary of Haddington, *Sir William Seyton and Sir John Home of North Berwick; for Wigtownshire, the Laird of Barnbarroch; for Bute, the Laird of Kames-Bannatyne and Paul Hamilton; for Clackmannanshire, the Laird of Clackmannan; for Peeblesshire, the Laird of Blackbarrony and Sir Robert Stewart; for Orkney, Mr. Robert Henderson of Hoeland and Edward Sinclair of Essintoy; for Inverness-shire, John Gordon of Buckie and George Munro of Tarrell; for Forfarshire, the *Constable of Dundee and the Laird of Pitcur; for Dumfriess-shire, the Lairds of Drumlanrig and Lag; for Cromarty, Thomas Urquhart of Cromarty; for Nairnshire, John Dunbar of Moynes; for Kirkcudbrightshire, the Laird of Myreton-Macculloch: *Commissioners for the Burghs*, 63, viz. for Edinburgh, *Sir James Nisbet and *George Foullis; for Perth, *James Adamson and Andrew Gray; for Dundee, William Auchinleck and Mr. Alexander Wedderburn; for Aberdeen, *Sir Thomas Menzies and George Nicolson; for Stirling, *John Williamson and ; for Glasgow, *James Hamilton and James Stewart; for Ayr, John Osburne and James Blair; for St. Andrews, Thomas Robertson and Robert Tailor; for Dunbar, Mr. John Aitchison; for Jedburgh, Alexander Kirktoun and Mr. John Rutherford; for Rutherglen, Robert Lindsay and James Riddell; for Burntisland, Patrick Grieve; for Dysart, David Simson; for Pittenweem, William Stevenson; for Anstruther Wester, Robert Richieson and George Simpson; for Anstruther Easter, Robert Merser and Robert Alexander; for Crail, John Mackieson; for Elgin, Mr. John Hay; for Forres, Mr. Samuel Falconer; for Montrose, William Ramsay; for Inverness, James Cuthbert; for Tain, Robert Munro; for Lanark, James Gray and Gavin Blair; for Cupar, George Airth and Robert Paterson; for Irvine, Hew Scott; for Lauder, Ralph Ker; for Kirkcudbright, William MacLellan; for Wigtown, John Currour; for Linlithgow, Andrew Milne and Andrew Bell;

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customary ceremony, in accordance with the following direction of the King.—"Right trustie and weilbelovit cosines and counsellouris, wee greete yow weele.—Whereas we ar pleasit, in regaird of the mony

for Renfrew, William Somerville; for Peebles, John Dickson; for Dunfermline,* Mr. Thomas Wardlaw; for Kirkcaldy, Thomas Lamb; for North Berwick, Thomas Lauder; for Dumfries, Mr. James Haliday and John Corsell; for Haddington, Mr. James Cockburn; for Selkirk, James Mitchelhill and Mr. John Ker; for Kinghorn, John Boswell and Walter Duncan; for Cullen, James Ogilvie; for Inverurie, Alexander Harvie; for Nairn, Alexander Dunbar; for Inverkeithing, William Blackburn; for Forfar, James Suttie; for Culross,* Sir George Bruce; for Kintore, Walter Cheyne.—The proceedings, after a short religious service, and a sermon by Archbishop Spotswood, were opened by a long speech from his Majesty; from the summary of which given by Spotswood (*History*, pp. 530–1), it appears that the matters chiefly insisted on were:—*Church Extension and Better Maintenance for the Clergy, Continuance of the Justice-of-Peace System in the Shires, and General Improvement in Social manners and habits.* On the first head Spotswood's report of what the King said is to this effect: "That, notwithstanding of the long profession of the "Truth, numbers of churches remained unplanted and of those that were planted few "or none had any competent maintenance: "for this he wished some course to be taken, "and certain commissioners to be chosen for "appointing to every church a perpetual "local stipend, such as might suffice to entertain a minister, and make him able to attend "on his charge." Respecting the second matter Spotswood's report is that "he discoursed long, remembering the pains he "had taken, as well when he lived among "them as since his going into England, "and how he had placed Justices and "Constables (a most laudable kind of government) for the preserving of peace and the "keeping of the laws in due regard; which "he understood, as he said, to be much "neglected, partly in default of some that "were named to those places and held it a "scorn to be employed in such a charge, and "partly by the opposition which the lords "and great men of the country made unto "them and to their setling; but he would "have both the one and the other to know "that, as it was a place of no small honor "to be a minister of the King's Justice in the "service of the commonwealth, so he did "esteem none to deserve better at his hands "than they who gave countenance thereto, "as, on the other part, whosoever should "show themselves hinderers thereof should "be accounted with him enemies to his crown "and the quiet of the kingdom." Passing to the third matter, he wound up, Spotswood reports thus: "That he had long striven "to have the barbarities of the country, "which they knew to be too many, removed "and extinct, and in place thereof civility "and justice established, and that he would "still endeavour to do his best that way, till "he might say of Scotland, as one of the "Emperors said of Rome, *Inveni lateritiam: "relinquo marmoream* ("I found it of brick: "I leave it of marble.") In a letter written at the time by an English courtier in Edinburgh to Lord Keeper Bacon in London, quoted in *Nichols's Progresses*, iii. 345, the account of this portion of his Majesty's speech is considerably amplified. "I may not be so "reserved as not to tell your Lordship," says the writer, "that in that speech his "Majesty was pleased to do England and "Englishmen much honour and grace, and "[to say] that he studied nothing so much, "sleeping or waking, as to reduce the "barbarity (I have warrant to use the King's "word) of this country unto the sweet "civility of ours; adding further that, if the "Scottish nation would be as docible to learn "the goodness of England as they are teachable to limp after their ill, he might with "facility prevail in his desire; for they had "learnt of the English to drink healths, to "wear coaches and gay clothes, to take "tobacco, and to speak neither Scottish nor "English."—According to the usual practice of Scottish Parliaments, the chief business of the first day was the election of THE LORDS OF THE ARTICLES, *i.e.* of that Committee of the members present (eight for each of the four Estates, together with eight state-officers) to whom should be deputed the real legislative work by the preparation of those Bills which should be submitted to the whole house on the final day of the sittings, and then voted on by the whole house if necessary. The persons chosen for this important business (which was done chiefly by the votes of the Peers, spiritual and temporal) were the 40 of the foregoing list whose names are marked with an asterisk. But this election

goode serviceis done to us be James, Lord Hay of Sa[la], and of his sufficiencie to discharge the office of a counsellour in oure Previe Counsell of this oure kingdome, these ar thair[foir] to will yow to ressave and admitt

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of the Lords of the Articles,—"the epitome "of the whole Parliament," as Lord Keeper Bacon's correspondent well calls it, — was not accomplished without some trouble. "The King having closed, and the Lords "gone apart to choose them that should be "upon the Articles," says Spotswood, "the "humours of some discontented lords began "to kythe; for whosoever were by the King "recommended as fit persons were passed by "as men suspected, and others named who "stood worse affected to the King's service." Calderwood (vii. 250) explains that the cause of the opposition was the fear of some of the nobles of prejudice to their estates and their property in the tithes by the church-reform sketched out in the King's speech; and he adds that it was not till the King had threatened to dissolve the Parliament, and the Lords were ready to depart, that the 40 were agreed upon. Even so the constitution of the Committee was not altogether satisfactory to his Majesty, says Calderwood; but he had succeeded in excluding from it the Laird of Dunipace, against whom he entertained a special grudge from recollection of that Laird's staunch conduct at the trial of the Presbyterian ministers at Linlithgow in 1606 (see *ante*, vol. vii. p. 163, *n*). Another question which gave rise to some dissension was as to the number of Officers of State that should have seats in the Parliament, and be eligible as Lords of the Articles. That there should be *eight* Officers of State sitting as such,—the same number as for each of the constituent estates,—gave the official element, it was argued, too great an influence; and it was proposed to reduce the number. Precedent and his Majesty's will, however, settled that *eight* should be the number then and for the future.——It was not till ten o'clock at night that all this preliminary business was got through, and the King and his retinue returned to Holyrood Palace,—which they did, says Calderwood, with some fluster and in confusion. Thenceforward, for the next ten days, the bulk of the members of the Parliament were at liberty to disperse themselves as they chose, leaving the elected 40 for the real work of drafting Bills, &c., till the whole house should re-assemble on the 28th. The 40 sat on, day after day, indefatigably in the Tolbooth, the King always with them; and the results of their deliberations were not to be fully known till the ten days were over. II. Celebration of his Majesty's Birthday.—The second of those ten busy days, Thursday, 19th June 1617, chanced to be his Majesty's birthday, completing the 51st year of his age. Such an event, of course, could not pass without celebration; and where could the celebration so fitly be as in the Castle of Edinburgh, the place where his actual birth had happened on the 19th of June 1566? Accordingly, "upon the "19th of June, the day of the King's birth," says Calderwood, "he made a feast to the "Englishe and Scottish nobility in the Castle "of Edinburgh betwixt foure efternoone and "nyne at night, and therefter came doun to "the Palace of Halyrudhous, whereunto the "people resorted to see the pastyms with "fireworke." From the volume of the *Muses Welcome* we learn more. "At his Majesties "entrie in the Castle," we are there told, "was "delivered ane Hebrew speech by Andrew "Ker, a boy of nyne yeares age; and there-"after these poems were also presented to his "Majestie." The Hebrew speech of the infant prodigy is not printed in the volume; nor do we know who the little fellow was or what became of him afterwards, unless he was the same as an Andrew Ker, son of John Ker, minister of Preston, who was admitted of the Scottish Bar in 1633, and may or may not have been the Mr. Andrew Ker who is found in 1655—*i.e.*, three years after the incorporation of Scotland with the English Commonwealth—sitting on the Scottish Bench as one of the Lords Commissioners appointed for the administration of Justice in Scotland in name of the Lord Protector Cromwell. The volume, however, duly gives the poetical pieces that were presented. They are eight in number, seven in Latin elegiacs, and one in Latin sapphics. Only two of the pieces are signed,—one "David Humius" (*i.e.*, David Hume of Godscroft), the other "Henricus Danskinus" (*i.e.*, Henry Danskin of the University of St. Andrews). The first eight lines of Hume's piece are worth quoting on account of their topographical exactness:—

"Culmina bis bini tollunt ad sidera montes,
Illis nec lati subjacet æquor agri:
Edinum hinc cum Cragatto; Salsberius illinc,
'Sedes cui Arturi conjugat alta caput.
Bina ligat radix, et bina interluit unda;
Hæc juncta, ista suis dissociata jugis.
In medio prisci posuere Palatia Regis;
Hoc natus fauste es, Magne Jacobe, solo."

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the said Lord Hay to be one of the ordinair nomber of oure Previe Counsell of this our kingdom, and to injoy all honnouris, digniteis, previlegeis, and immuniteis proper and dew to the said place, and that yow minister unto him the oathis accustomat in the lyke caisis: for doing whairof these presentis salbe youre warrand. Gevin at our palice of Haliruidhous, the 22nd day of Junij 1617."

Fol. 113, a.

Warrant to the Lord Treasurer, the Treasurer-Depute, and other officials, to borrow 100,000 merks for the necessary expenses of his Majesty's continued stay in Scotland.

"Forsamekle as the chargeis and expensis bestowit and debursit upoun the reparatioun of his Majesteis paliceis and housis and upoun the furnissing of his Majesteis house and equirie and otheris his Majesteis princelie affairis and adois hes so far exhausted and emptyed his Majesteis treas[urie] and cofferis as litle or no moneyis at all ar left thairintill; and whereas his Sacred Majestie is yitt to remain some certane tyme within this kingdome, and that it doeth verie heighlie importe the honnour and credite of the cuntrey that his Majesteis house be abundantlie providit and furnist in all necessaris, and that all otheris his princelie serviceis and adois be dischargeit in suche ordour as to the dignitie and Majestie of his royall estate apperteyneth, quhairthrou thair be no appeirance nor taikynnis of penurie or want of moneyis and victuallis during his Majesteis aboade heir; and seeing thir turnis can not be gottin done with honnour and credite to the cuntrie and with contentment to his Majestie bot by present and reddie money, quhilk his Majesteis cofferis can no longer furnishe: Thairfoir his Majestie, with advise of the Lordis of his Secreit Counsell, ordanis and commandis Johnne, Erll of Mar, his Majesteis Heigh Thesaurair and Comptrollair, Sir Gedeone Murray of Elibank, knight, Thesaurair and Comptroller Depute, Sir Henrie Wardlaw, knight, and James Baillie of Lochend, Ressavaris of his Majesteis Rentis, to lift and borrow for proffeitt, upoun band or such other securitie as thay may best, the soume of ane hundreth thousand merkis usuall money of this kingdome, for defrayeing of his Majesteis princelie affairis, debursementis, and adois during his aboade heir. And, for thair securitie and releiff, and for the releiff of suche personis whome thay ar to ingadge as cautionaris for thame in this bussynes, his Majestie with advise foirsaid hes assignit, and be the tennour of this present act assignis, thame to be payit of the said sowme oute of the first and reddiest of his Majesteis moneyis that sall come in thair or ony of thair handis, outher of his Majesteis proper rentis and casualityis or of the laite taxatioun grantit to his Majestie in the moneth of Marche lastbipast; with pouer to thame to reteene in thair awne handis the first and reddiest of his Majesteis saidis moneyis ay and quhill the said soume of ane hundreth thousand markis and annuell thairof be fullie and compleitlie payit unto thame for releiff of thair credite as said is; and that thay prefer the payment of this sowme to all otheris paymentis quhilkis ar to be maid oute of his Majesteis rentis and officeis of ressett, becaus the said soume is lifted for so necessair a caus of his Majesteis furnissing and otheris his princelie affairis as said is: commanding the Lordis of his Majesteis Exchekquer to allow the said soume to the said Thesaurair and Depute Thesaurair in thair comptis."

Programme of his Majesty's further route in Scotland, with the distances in miles from point to point as they are to be reckoned in the charge for the requisitioned horses.

"The Lordis of Secreit Counsell, for eshewing of contestatioun betuix the maister of his Majesteis cariage and the awnaris of the horsse that ar to lift his Majesteis cariage in all his Majesteis removes during his aboade in this kingdome anent thair payment, hes sett doun the nomber of the myllis in everyone of the saidis removes according whairunto the said maister of the cariadge sall pay thame,—that is to say, frome Edinburgh to Striviling xxiiij myllis, from Striviling to Falkland xxij myllis, frome Falkland to Perth ten myllis, frome Falkland to St. Androis xij myllis, frome St. Androis to Kellie fyve myllis, frome Kellie to Falkland xj myllis, frome Striviling to Glasgu tuentie myllis, frome Glasgu to Hamiltoun aucht myllis, frome Hamiltoun to Sanquhair xxiiij myllis, frome Sanquhair to Drumlangrig sax myllis, frome Drumlangrig to Drumfreis xij myllis, from Drumfreis to Carlile xxiiij myllis." Acta Mar. 1615 Aug. 1617. Fol. 113, b.

Arrangements for the carriage of his Majesty's luggage from Holyroodhouse to Berwick.

"Forsamekle as a pairt of his Majesteis cariage is to be lifted at Haliruidhous and to be caryed thairfra to Beruick, quhilk must be done be the inhabitantis of the schirefdome of Edinburgh and Constabularie of Hadingtoun; lyke as these of the schirefdome of Edinburgh hes undirtane to lift the said cariadge at Haliruidhous upoun Twisday nixt the first of Julij and to carye the same thairfra to Dunbar, and these of the Constabularie of Hadingtoun mon lift it at Dunbar upoun Wednisday the secund day of Julij and carye it thairfra to Beruik: for quhilk purpois the Lordis of Secreit Counsell ordanis letteris to be direct chargeing Williame Mortymer in Morhame and David Sm[ith] in East Fentoun, generall constablis nominat be the justiceis of peace of the said Constabularie, that thay gif tymous and dew adverteisment and wairning to the constabillis of the particulair parrocheis underwrittin that thay haif a nomber of cairtis and horsse for lifting of his Majesteis cairtis providit with all necessair furnitour [out] of the parrocheis following to meete at Dunbar upoun Wed[nisday] the secund day of Julij nixtocome aboute tua of the cloke in the moirning, thair to lift his Majesteis cariadge and to carye the same thairfra to Berwick:—viz., oute of the parrochine of Innerweeke, quhair Adam Hereot is constable, three cairtis and sax horsse with drawing geare; oute of the parrochine of Auldhamstokis, quhair Robert Ridpeth and George Wallace [ar constablis], three cairtis and sax horsse with drawing geare; oute of the parrochine of Dunbar, quhair Johnne Kellie, Johnne . . , and David Liddell ar constablis, tuentie cairtis and lx hor[sse with] drawing geare; oute of the parrochine of Spott, quhair Johnne [Man]derstoun and Henrie Fortoun ar constablis, foure cairtis and . . . horsse with drawing geare; oute of the parrochine of Sten[toun, quhair] James Patersoun is constable, three cairtis and sax horsse [with] drawing geare; oute of the parrochine of Quhitekirk, quhair Adam Lermonth and Thomas Bowie ar constabillis, foure cairtis and xij horsse with drawing geare; oute of the parrochine of Prestoun Kirk, quhair James Dugeoun and Richard Ramsay ar constablis, xij cairtis and xxiiij horsse with drawing geare; oute of the parrochine of Tynnynghame, quhair ar constablis, three cairtis and sax Fol. 114, a.

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horsse with drawing geare; oute of the parrochine of Morhame, quhair Archibald Diksoun is constable, tua cairtis and sax horsse with drawing geare; oute of the parrochine of Barro, quhair William Geddes is constable, three cairtis and sax horsse with drawing geare; oute of the parrochine of Quhittinghame, quhair James Mure and Johnne Downy ar constablis, foure cairtis and xij horsse with drawing geare; oute of the parrochine of Hadingtoun, quhair George Frasair, Johnne Diksoun, and Robert Spens are constabilis, tuentie cairtis and lx horsse with drawing geare; oute of the parrochyne of Bothanis, quhair Johnne Hay and Robert Boyde ar constablis, three cairtis and sax horsse with drawing geare; oute of the parrochine of North Beruick, quhair Henrie Andersoun and David Foullair ar constablis, ten cairtis and xxiiij horsse with drawing geare; oute of the parrochine of Gullane, quhair Patrik Congiltoun and Henrie Cauldcleugh ar constablis, xv cairtis and xxxvj horsse with drawing geir; oute of the parrochine of Alstinfoorde, quhair Johnne Bartie and Johnne Warthe ar constabillis, three cairtis and sax horsse with drawing geare; oute of the parrochine of Abirlady, quhair Patrik Cryistie and Williame Horsburgh ar constablis, sax cairtis and xij horsse with drawing geare; oute of the parrochine of Humbie and Keythe, quhair Harie Skirvane and Johnne Rae ar constablis, xxiiij horsse with drawing geare; oute of the parrochine of Ormestoun, quhair Abraham Kello and Johnne Harla ar constablis, xviij horsse with drawing geare; oute of the parrochine of Saltoun, quhair George Stanehouse and Robert Murvinstoun ar constablis, xxxvj horsse with drawing geare; oute of the parrochine of Boltoun, quhair Williame Golra is constabill, xviij horsse with drawing geare; oute of the parrochine of Pencaitland, quhair Adam Johnnestoun and Andro Huntar ar constabillis, lx horsse with drawing geare; and oute of the parrochine of Sowtra, quhair Alexander Borthuik is constable, xij horsse: as alsua to charge the constablis of the parrocheis abonewrittin that thay and everyone of thame bring or caus the nomber of horsse and cairtis for everie parroche be brocht to the burgh of Dunbar the day foirsaid aboute tua of the cloke in the moirning, thair to lift his Majesteis cariadge and to carye the same thairfra to Beruick, as alsua to charge the parochynnaris of the saidis parrocheis that thay and everyone of thame obey thair constablis in maner and to the effect foirsaid, under the pane of sax pund to be incurrit be every constable and parrochynner for every horsse that salbe absent; for payment quhairof to poind and distrenyee."

Commissions. Fol. 31, a.

Commission under the Signet, signed by the Chancellor, Binning, Sir G. Murray, and Carnegy, is given to Sir George Affleck of Balmanno, bailie principal of the regality of Abirnethy, and Johne Arnot of Pitmeden, bailie depute of the same, to try Alexander Mershell in Abirnethy, now in the 'steple' of Abirnethy, who was taken with the bloody hand after his murder of Andro Hay in Litlefylde in the town of Abirargye within the regality of Abirnethy.

Edinburgh, 24th June 1617.

Commission to Affleck of Balmanno and Arnot of Pitmedden to try Alexander Marshall for murder.

[No record of Sederunt.]

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Edinburgh, 26th June 1617.[1] Warrant for £5000 more to Sir Henry Wardlaw.

Warrant to the Treasurer-Depute for payment of a further sum of £5000[2] to Sir Henrie Wardlaw "for making of provisioun and furnissing to his Majesteis house."

Further arrangements for the carriage of his Majesty's luggage from Holyrood-house as far as to Dunbar.

"Forsamekle as a pairt of his Majesteis cariadge is to be lifted at Haliruidhous upoun Twisday nixt the first of Julij now approtcheing and to be careyit thairfra to Dunbar be the parrochynnaris within West Lotheane, and becaus thay ar not able be thame selffis to lift the said haill cariadge, necessair it is that thay haif the assistance of the parrochynnaris of Tranent and Prestoun lyand maist ewest unto thame: Thairfoir ordanis letteris to be direct chargeing Robert Seytoun, George Seytoun, George Robiesoun, Alexander Turnbull, and James Balfour, constabllis of the saidis parrochynnis, that thay direct and send to his Majesteis palice of Haliruidhous upoun Tyisday nixt about tua of the cloke in the moirning the nomber of cairtis following,—viz., the parrochynnaris of Tranent, fourty cairtis with three horsse in everie cairt, and the parrochynnaris of Prestoun, tuentie cairtis with twa horsse in everye cairt,—and thair to lift his Majesteis cariadge and to carye the same thairfra to Dunbar, under the pane of xx li for everye horsse that salbe absent, and warding of the dissobeyaris of the charge for the space of yeir and day and forder punishement of thame at the discretioun of his Majesteis Counsell."

Charge to the constables and others concerned in the carriage arrangements in the shires through which his Majesty is to pass on his further route to see that those arrangements are punctually kept, with powers to William Sydserff of Roughlaw, "maister of the carriadge," to imprison defaulters.

"Forsamekle as, albeit thair hes bene a verie goode ordour sett doun for lifting of his Majesteis cariadge in all his removes and progres throughout this kingdome by appointing and designing the nomber of cairtis and horsse for cariage that everie parroche within the schirefdomes quhair his Majesteis progres lyis sall furneis and send oute for lifting of the cariadge, and by nominating of constabillis generallie for the haill schirefdome, and particularlie for the haill parroche, quho hes the charge to caus the cairtis and horsse [fra] the parrocheis be in reddynes at the tymes and placeis . . . appointit, nevirtheles thair is a grite slaknes in the obedience of the constablis and parrochynnaris, some of thame Fol. 115, a wilfullie and maliciouslie refuseing to serve his Majestie in his cariadge, and otheris pretending frivolous excuisis and pretextis for thair absence, swa that the service of the cariadge, quhilk is one of the most important services of that kynd concerning his Majestie in this kingdome, is lyke to be verie far disapointit and hinderit, albeit thankfull and reddie payment be maid unto thame for thair service, without remeid be providit: Thairfoir ordanis letteris to be direct chargeing officeris of

[1] "Upon Thursday the 26th of June," says Calderwood (vii. 257), "there was a timber-"house erected upon the backe of the south "side of the Great Kirk of Edinburgh, which "was decored with tapestrie, where the Town "prepared a banket for the King and the "Nobilitie. The day following sundrie "knights and gentlemen of good note were "banketed in the same hous, and made "burgesses. They danced about the Crosse "with sound of trumpets and other instru-"ments; throwed glasses of wine from the "Crosse upon the people standing about; and "endit with the King's scoll [*i.e.*, health]."

[2] The rubric reads £8000.

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armes to pas to the mercatt croceis of Edinburgh, Hadingtoun, Dunbar, Lynlithqw, Striviling, Perth, Coupar, St. Androis, Glasgw, Hamiltoun, Lanerk, Sanquhair, Dumfreis, and Annand, and otheris placeis neidfull, and thair be oppin proclamatioun to command and charge the haill constabillis, generall and particulair, within the boundis and schirefdomes quhair his Majesteis progres and removes wilbe, the parrochynnaris of the parrocheis and all otheris who ar appointit and designit for the service of his Majesteis cariadge, that thay and every one of thame direct and send, and caus the nomber of cairtis and horsse designit unto thame be directit and send, in dew and laughfull tyme to suche placeis as thay salbe adverteist be the maister of his Majesteis cariadge and his servandis, and thair to lift his Majesteis cariadge, and to follow the directioun of the maister of the cariadge in all and everie thing concerning that service, under the pane of xx li for everie horsse that salbe absent and warding of the constablis and awnaris of the horsse for the space of yeir and day and forder punishment of thame at the discretioun of his Majesteis Counsell. And, for the better executioun of thir presentis, his Majestie, with advise of the Lordis of his Secreit Counsell, gevis and grantis full pouer and commissioun to Williame Sydserff of Roughlaw, maister of the cariadge, to tak and apprehend all suche personis as sall dissobey the charge, and to committ thame to warde in the nixt jayll and prissone, thair to remane quhill ordour be tane for thair contempt and punishment as accordis; commanding the provestis and baillies of all burrowis and townis to ressave frome the said Williame all suche personis as he sall present unto thame, and to committ thame to warde in thair tolbuithis, thairin to remane quhill ordour be tane with thame as said is, as the saidis provest and baillies will ansuer upoun thair obedyence."

Sederunt—Rex; Chancellor; Lennox; Mar, Treasurer[1]; Hammiltoun; Huntlie; Bishop of St. Androis; Bishop of Abirdeene; Bishop of Ros; Argyll; Montrois; Wyntoun; Lotheane; Tullibardine; Roxburgh; Binning; Burley; Carnegy; Lord Gordoun; Privy Seal; Clerk of Register; Advocate; Kilsaythe; Ridhous; Medop; Currihill; Mr Peter Rollok; Bruntyland; Sir Andro Ker; Sir William Alexander. Haliruidhous, 29th June 1617.[2]

Fol. 115, b. "The quhilk day the Kingis Majestie, with advise of the Lordis of his Secreit The Earl of Arundel, the

[1] The *Book of Sederunts* omits the Treasurer.

[2] This was another Sunday sitting of the Council (see *ante*, p. 136, footnote). On the preceding day, Saturday 28th June, the Parliament had come to an end by the passing, in the whole house re-assembled for the purpose, of 62 several Acts or Bills that had been drafted in the course of the ten days last past by the Committee of the House called Lords of the Articles. The Acts, as printed in the *Acta Parl. Scot.*, vol. iv., fill 51 folio pages of double columns (pp. 529–580). Only the most important of these can be noticed here:—Of *Ecclesiastical Acts*, the chief were Nos. 1, 2, 3 and 4 of the list, entitled respectively "Anent the Electioun "of Archibischipes and Bischopes," "Anent "the Restitutioun of Chapteris," "Anent the "Plantatioun of Kirkis," "Anent of the Sell-"ing of Takis be Prelatis and utheris Beneficed "Persones." By the first it was enacted that election to vacant sees should be by the Deans

Earl of Pembroke, Lord Zouch, and Sir Thomas Lake, made members of the Privy Council of Scotland.

Counsaill, ressavit and admittit , Erll of Arrundaill [*ante*, p. 126, footnote], Erll of Pembroigh [*ibid.*], Eduard, Lord Suithe [Zouch], and Sir Thomas Laik [*ante*, p. 147, footnote], knight, to be of the ordinair nomber of his Majesteis Previe Counsell of this kingdome, and to brouke all honnouris, dignities, previlegeis, and prerogatives proper Acta Mar. 1615–Aug. 1617.

and Chapters of the sees, and that they should always appoint the person nominated by the King. The main enactment of the second was that "all the Deans and other members "of the Chapters of the Cathedral kirks within "this kingdom salbe restored to their manses, "glebes, rents, and other patrimony belonging "to them,"—the rest of the Act determining methods and exceptions. The third Act, after a preamble as to the insufficiency of the number of churches in Scotland and the smallness of the incomes of many of the existing parish-ministers, appoints a commission, consisting of 8 persons for the Clergy (the 2 Archbishops and 6 Bishops), 8 persons from the Nobility, 8 representatives of the Lairds or Lesser Barons, and 8 representatives of the Burghs, to consider and devise means, according to indications given, for planting Scotland with a complete parish-ministry, and providing for every parish-minister an annual stipend of not less than five chalders of victual or 500 merks of silver, and not more than ten chalders of victual or 1000 merks of silver. By the fourth of the Acts, Prelates are forbidden to set leases of any part of their patrimony for longer terms than nineteen years, and inferior beneficed persons for more than their own life-times and five years beyond.—As had been foreshadowed in the King's opening speech, there were several Acts relating to the *Judicial Machinery and Procedure* of the kingdom, the chief of these being No. 8 of the series, entitled "Anent the Justices for keeping of the Kingis "Majesties Peace, and thair Constables,"—a long Act in 43 paragraphs, confirming and developing the Justice-of-Peace system, already introduced by his Majesty into Scotland from his experience of its effectiveness in England, but hitherto much thwarted and opposed by the Scottish nobility and some of the Lairds.—Of numerous *Miscellaneous Acts*, including ratifications of gifts and favours to the Duke of Lennox, Chancellor Dunfermline, and other nobles and Councillors, two deserve special mention. One, numbered 26 in the series, is an "Act anent the Clan Gregour." The preamble, after recalling to memory his Majesty's "hatrent and detestatioun of the barbarous "murtheris and insolences committed be the "Clangregoure upoun his Majestyes peciable "and goode subjectis of the Lennox at Glen-"frone in the moneth of Februare 1603," recites the former Acts consequently passed against the clan,—viz., (1) the Act of 3rd April 1603, by which it had been ordained "that the name of M'Gregoure sulde be "altogidder abolisched, and that the haill "persounes of thatt clan suld renunce thair "name and tak thame sum uther name," under pain of death, (2) the Act of 26th January 1613, ordaining "that nane of the "Clangregour who were at Glenfrone the "tyme forsaid, and who wer at the fyir-"raisingis, murtheris, slauchteris, and "depredatiounes committit upoun the Lairdis "of Glenurchie, Luss, and Coline Campbell "of Abiruquhill, suld at no tyme thairefter "beare nor weare ony kynd of armoure bot "ane pointles kniff to cutt thair meate, under "the said payne of dead," (3) the Act of 24th June 1613, ordaining "that nane of the "Clangregour, nor na otheris who formerlie "wer callit M'Gregour and hes renunceit "thair names, suld convene and meit "togidder in onie pairt of this kingdome in "gryiter numberis nor foure personis, under "the said payne of dead." It is then enacted that these former Acts shall hold good in all points, and that the pain of death shall be inflicted without favour upon any persons of the clan, or the posterity of such, resuming the name of Macgregor, or coming together in larger numbers than as above specified.—With this Act may be associated Act No. 40 of the series, in favour of the nobleman who had been for so many years the King's plenipotentiary against the Macgregor clan. It is entitled "Ratificatioun to the Erle of Argyill," and purports that,—his Majesty having seen an infeftment, of date 30th May 1607, granting to the Earl of Argyle and his heirs male "all and haill the landis and lordschip of "Kintyre, comprehending the yle of Jura "and utheris particular landis, yles, fischein-"gis and utheris thairin mentionat, all unite "and annexit in ane Lordschip callit the "Lordschip of Kintyre," to be held of his Majesty and his successors "in feuferme "for payment of the fewmailles, feu-fermes, "caynis, customes, and utheris dewties

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and dew to the said place. Lyke as the saidis Erllis of Arrundaill and Pembroigh, the Lord Sutche, and Sir Thomas Laik being personalie present, and acknowledgeing with all dew thankis his Majesteis gratious favour showne unto thame by preferring of thame to this place of honour and dignitie, thay, with all dew reverence, upoun thair knees, thair handis

"thairin expressit," and having also seen a subsequent Act of the Lords of Exchequer settling the money values of the said duties, and ordaining a new infeftment of the said Lordship of Kintyre to be made "to the "said Archibald, Erle of Argyill, and to James "Campbell, his eldest lauchfull sone procreat "betuix him and Dame Anna Cornewallis, "Countess of Argyill, his spous,"—his Majesty and his Estates of Parliament do now, in consideration of the great charges, pains, and travails sustained by the Earl and his kin in the pacification of the said lands, dissolve the said lands and lordship from his Majesty's crown, "to the effect the samin may be "giftit and disponit be our Soverane Lord "to the said Archibald, Erle of Argyill, and "to the said James Campbell, his sone, thair "airis maill and assigneyis, or to ather of "thame upoun the resignatioun of the said "Earle, with ane gift *de novo damus* in "maist ample forme": the conditions to be as in the aforesaid Act of Exchequer, but with further proviso that the infeftment shall be subject to "quhatsumevir dettis and "soumes of money awand be the said Earle to "his honorable freindis,—they ar to say Coline "Campbell of Lundye, Sir John Campbell of "Cadell, knicht, Sir Johnne Scrimgeour of "Dudhope, knicht, Sir James Campbell of "Laweris, Coline and Archbald Campbell, his "brether, and in payment of all soumes "quhairin anye of the foirsaidis freyndis ar "bound as cautioneris for the said Earle"; the Earl's said son, as well as the Earl himself, to accept the infeftment as so burdened with the right of the said friends to poind and apprise the said lands at any time for recovery of the said debts and cautions. The interesting point in the terms of this new infeftment, in addition to the new proof furnished of the embarrassed state of the Earl of Argyle's affairs, is the transference of the succession to the Kintyre lands and lordship from the Earl's male heirs in general, as in the original infeftment of 1607 (whereby his successor in this lordship would have been his eldest son by his first marriage, *i.e.*, Archibald, Lord Lorne, now nineteen years of age, and afterwards famous as the 8th Earl and 1st Marquis of Argyle), to his eldest son by his second and English marriage, James Campbell, now a mere child.—These above Acts, and all the rest of the 62, having been passed by the Parliament in one batch and without dissent, and having received his Majesty's formal ratification, there was another speech from his Majesty, winding up the whole business of the Parliament with what Spotswood calls "a most kinde and "loving farewell."—This final unanimity, however, we learn from Spotswood and also from Calderwood, had been attained only at the last moment, by the suppression of another Act, which had been drafted by the Lords of the Articles, and to which there would have been formidable opposition had it been proposed to the whole House. The incident is so important that some account of it must be given:—His Majesty had desired that the very first Act of this Parliament of 1617 should be what may be called a Root and Branch Anti-Presbyterian Act, consummating all he had hitherto accomplished in the way of assimilation of the system of the Scottish Church to the English Episcopal model. Not content with reliance on his own claim of absolute prerogative in all matters ecclesiastical as well as civil, or with the ample acknowledgment of this claim which he had enforced on his Scottish subjects by oaths of office, &c., he wanted now to have an express Parliamentary statute in these words: "That, whatsoever conclusion was "taken by his Majesty with the advice of the "Archbishops and Bishops in matters of ex-"ternal policy, the same should have the power "and strength of an ecclesiastical law.' The Scottish Bishops themselves, Spotswood informs us, were alarmed by this proposal, knowing what a commotion it would raise. They humbly entreated that the Article might be better considered, inasmuch as by Scottish rule and precedent the consent of Archbishops and Bishops was insufficient for the making of an ecclesiastical law without the advice and consent also of the body of the Presbyters. The King's reply, Spotswood tells us, was "that he was not against the "taking of ministers their advice," and therefore would agree "that a competent number "of the most grave and learned among them

lyand upoun the holie evangell, maid and gaif thair solemne oath of alledgeance and the oathe of a Previe Counsellour." Acta Mar. 1615–Aug. 1617.

Arrangements by the Lord Treasurer and the Treasurer-

Preamble as in act given *ante*, p. 159. "Thairfoir the Erll of Mar, Lord Erskine and Gariaugh, Heigh Thesaurair and Comptrollair of this kingdome, and Sir Gedeone Murray of Elibank [knight], Deputie-Thesaurair,

"should be called to assist the Bishops"; but to the rule of General Assemblies of the old fashion in ecclesiastical matters "I will "never agree" said his Majesty emphatically, adding "The Bishops must rule the Ministers, "and the King rule both, in matters indifferent and not repugnant to the Word of "God." In the deliberations on the subject by the Lords of the Articles, accordingly, the wording of the proposed statute had been altered to this form: "That whatsoever his "Majesty should determine in the externall "government of the Church with the advice "of the Archbishops, Bishops, and a competent number of the ministery, should have "the strength of a law." But, though this satisfied the Bishops, and the Lords of the Articles collectively, there arose such a storm of outside clerical opposition that both King and Bishops were perplexed. Naturally, a large number of the parish-clergy from all parts of Scotland had flocked into Edinburgh, from their interest in the expected legislation of the Parliament in Church matters, and especially in the matter of increased endowments for the Church and a rise in the rate of clerical stipends. These had been holding meetings among themselves in the Little Kirk of St. Giles, a Bishop or two occasionally with them; and rumours of what was passing among the Lords of the Articles in the Tolbooth close by had been reaching them daily and occasioning discussion. Already one or two of the remanent Presbyterian brethren of the old creed, Mr. David Calderwood conspicuous among them, had been throwing into these discussions hints and suggestions calculated to lift them above the personal interest of their present and increased stipends, &c., and to revive essential questions of Presbyterian principle; but not till definite information was brought that the Lords of the Articles had drafted the abovementioned statute placing the power of making ecclesiastical laws in *the King, with the advice of the Archbishops, Bishops, and a competent number of the Ministry*, did the excitement come to a head. In vain Spotswood and the other prelates advised them to be quiet, and "not "to irritate his Majesty, whom they knew to "be a gracious Prince and one that would "hear reason." It was now the 27th of June; the final sitting of the Parliament in the re-assembled whole House was to be on the next day; no time was to be lost. In these circumstances a "Protestation" was hastily drawn up, and signed by 55 of the ministers then in town, asserting the principle that, by Scriptural rule and the constitution of the Church of Scotland, there could be no legitimate change in ecclesiastical law without "special advice and determination" of a General Assembly representing the body of the Church, and therefore imploring his Majesty and the Estates not to pass a statute violating this fundamental principle, and which, if it *were* passed, so many of his Majesty's faithful subjects would be obliged to incur legal censure rather than obey. In support of their prayer reference was delicately made to his Majesty's own letter of the preceding 15th of December, explaining his motives for visiting Scotland and assuring his Scottish subjects positively that the visit was not to be made an opportunity for any serious alterations in the civil or ecclesiastical government of the realm (*ante*, vol. x. p. 684–6). See the complete document, with the names of all the 55 who agreed to it, in Calderwood, vii., pp. 253–6. Spotswood also professes to print it (pp. 531–2), but omits the names, and gives but a garbled copy, cancelling some passages which reflected on himself and his brother-prelates for duplicity in their communications all the while to the assembled ministers as to what was passing, or might be expected ultimately to pass, among the Lords of the Articles. Be that as it may, it is evident that, after the document had been drawn up,—David Calderwood informs us that it was mainly a joint-production of Mr. Peter Hewat and Mr. William Struthers, two of the ministers of Edinburgh (Hewat also now Abbot of Crossraguel and sitting in the Parliament in that capacity), but with correcting touches from Calderwood himself,—the excitement had begun to cool, and some of those implicated had become timid. Hence the arrangement was that the document should be presented to the King by Mr. Peter Hewat alone, and with no other signature attached to it than that of Mr. Archibald Simson, minister

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be his Majesteis expres command and directioun, hes borrowit and lifted upoun proffeit fra the personis particularlie underwrittin the sowmes of money following upoun the securitie [under]specifeit:—that is to say, fra Williame Dik, maircheant burg[es of] Edinburgh, the sowme of tuentie thousand merkis money of this ki[ngdome,] for payment quhairof at the

Depute with William Dick, merchant burgess of Edinburgh, and Mr. Alexander Morison, Advocate, who

of Dalkeith, who had acted as scribe for the ministers in their meetings, while the names of the other subscribers should be attached to another copy which the said scribe should keep in his possession for his warrant. Both Calderwood and Spotswood narrate the sequel; but Spotswood's narrative is the more exact and picturesque. "As it falleth out in things "unadvisedly done and in the heat of hum-"our," says Spotswood, "the principalls in "that business, quickly forthinking that "which they had done, came the next morn-"ing to the Archbishop of St. Andrews [*i.e.*, "to Spotswood himself] entreating him to "stop the presenting thereof; which he "shewed he might easily doe by taking the "same from Mr. Peter Hewat, in whose hands "it was given to present. This man, being "one of the ministers of Edinburgh, had "lately before been preferred to the Abbacy "of Crossraguell, and, having thereby a place "in the Parliament House, was held the "most fit to present the Protestation, which "he willingly undertook; for he loved ever "to be medling, and was alwaies set to make "trouble. The Parliament was that day to "close; and the Archbishop, knowing how "ill the King would take these doings, went "the more timely to the Palace; where, "meeting with the Abbot, he askel him "concerning the Protestation, desiring to see "it; and, having perused a few lines, began "to rebuke him for taking in hand such a "business. He, making some excuse, and "saying it was a Protestation only, which "could not offend, put forth his hand to take "back the paper; but, the Archbishop hold-"ing it fast, the Protestation was near rent "betwixt them. It happened one of the "grooms (called John Levingston) to see "them at strife; who shewing the King what "he had seen, his Majesty came forth, being "as yet undressed, and asked what the mat-"ter was. The Archbishop answered that a "number of ministers, having framed a Pro-"testation against the Article of his Majesties "Prerogative, had given it to the man that "he had made Abbot to present, and that he "had undertaken to doe the same,—for which "he had been chiding him, it being an un-"dutifull part in him without signifying the "matter to his Ordinary to take such a busi-"ness in hand. The man, falling upon his "knees and trembling, said that he supposed "the Protestation would never offend his Ma-"jesty, and that he had promised to present "the same in Parliament, but, now that it ap-"peared to him otherwise, he would no more "meddle therewith. The King, taking the "Protestation, and perceiving it subscribed "by one only minister, inquired who these "others were that convened. The Abbot "answered that they had all signed a paper "besides, which the subscriver kept by him "for his warrant. Then the King, command-"ing the Bishop to keep the Protestation, "went to prepare himself for the meeting [*i.e.*, to go from Holyrood Palace to the Tolbooth], "and, suspecting that some other might come "and protest against the Article, commanded "the Register, Sir George Hay (who, upon "the death of Sir Alexander Hay, had been "preferred to the office the year before) to "passe by that Article as a thing no way "necessary, the prerogative of his Crown "bearing him to more than was declared by "it. Thus, when the hour of meeting [in "the Tolbooth] came, the Register, as he was "commanded, laying by that Article, caused "read the others."—In other words, though it had been intended that the Acts of this Parliament should be 63 in number, the intended Act No. 1 was suppressed at the last moment, and only the remaining 62 now stand in the Scottish Statute-Book. Doubtless there was some truth in the reason which his Majesty assigned for withdrawing the unpopular Bill,—to wit, that, as already by his mere royal prerogative he might do what he liked in anything without consulting anybody, the proposed statute, requiring the assent of the Archbishops, Bishops, and a competent number of the inferior clergy to any ecclesiastical enactment of his, would have been rather a limitation than a confirmation of his authority. At the same time one recognises the cleverness and prudence of the King in suddenly dropping a measure which it was not worth while to insist upon at the risk of turning all the rest of his visit to his native kingdom into gloom and discomfort.

are to lend between them the 100,000 merks required for the expenses of his Majesty's visit.

feast and terme of Witsonday [nixt]tocome thay, as principallis, and Sir Henrie Wardlaw of Pitt[revie], knight, and James Baillie of Loichend, as cautionaris and souirteis for thame, hes gevin thair band and obligatioun, as the same, beareing date the xxiiij day of Junij instant and writtin be Williame Skeene, servitour to Robert Alshonder, writter, b[earis]; fra the said Williame Dik, mercheant, the soume of fo[urty] thousand merkis money of this kingdome [for payment quhairof tua dayis] afoir the feast and terme of Witsonday nixttocome the saidis Johnne, Erll of Mar, and Sir Gedeone Murray, as principallis, and Walter, Lord Scott of [Bugcleuch], Sir Archibald Murray of Blakbaronie, knight, Sir Patrik Murray of . . . , Sir Henrie Wardlaw of Pitrevie, knight, and James Baillie of Lochend, as cautionaris and souirteis for thame, hes gevin thair band and obligatioun, as the said band, writtin be Alexander Dik, writtair, and beareing date at Haliruidhous the [xxviij] day of Junij instant, bearis; and fra the said Williame Dik the soume of tuentie thousand merkis money of this kingdome, for payment quhairof tua dayis afoir the said feast and terme of Witsonday nixttocome the saidis Thesaurair and Thesaurair-Depute, as principallis, and Sir Patrik Murray of , knight, Sir Thomas Wardlaw of Pittrevie, knight, and James Baillie of Lochend, as cautionaris and souirteis for thame, hes gevin ane heritable band and obligatioun, as the said band, of the date at Haliruidhous the said xxviij day of Junij, and writtin be David Nicolsoun, notair, bearis; and fra M[r] Alexander Morisoun, advocat, the soume of tuentie thousand merkis money, for payment whairof at the feast and terme of Witsonday nixttocome the saidis Thesaurair and Deputie-Thesaurair, as principallis, and the saidis Sir Henrie Wardlaw and James Baillie, as cautionaris and souirteis for thame, hes gevin thair band and obligatioun, as the said band, bearing date at Edinburgh the said 28 day of Junij instant, and writtin be [Thomas Wright], servitour to the said M[r] Alexander Morisoun, at lenth bearis: in the quhilkis foure bandis and obligationis abonewrittin the saidis Thesaurair and Deputie-Thesaurair hes grantit that thay haif borrowit the soumes of money particularlie abonewrittin for thair awne particulair use and for performance of certane thair necessair affairis, and hes supprest and concealed that the saidis soumes wer borrowit to his Majesteis use. And, albeit the obligationis abonewrittin be [contened] and sett doun in the tennour and substance foirsaid, and that the saidis Thesaurair and Deputie-Thesaurair hes grantit the soumes foirsaidis to have beene borrowit be thame for thair awne proper use as said is, nevirtheles the Kingis Majestie, with advise of the Lordis of Secreit Counsell, declairis be thir presentis that all the saidis soumes contenit in the foure obligationis abonewrittin wer borrowit be the Thesaurair and Deputie-Thesaurair for his Majesteis awne proper use and for defre[ying] of his princelie affairis and adois during his aboade heir, conforme to his Majesteis expres warrand and commandiment gevin unto thame, and to ane act of Counsell maid to this effect of the date the 22nd day of Junij instant, in the quhilk the forme of thair securitye and releif, bothe of the principall soume and

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an[nuel] thairof, and of the assignatioun maid unto thame and to the saidis Sir Henrie Wardlaw and James Baillie for that effect, is at lenth contenit and sett doun. Quhilk act his Majestie with advise foirsaid ordanis to stand in full force and effect ay and quhill the saidis Thesaurair and Deputie-Thesaurair and thair cautionaris be fullie and compleitlie payit of the soumes foirsaidis and annuell thairof."

[No record of Sederunt.]

Haliruidhous 30th June 1617.[1]
Oath of the Commissioners "for plantation of the kirkis."

"The quhilk day, in presence of the Kingis Majestie, James, Marquis of Hamiltoun, James, Erll of Abircorne, Williame, Erll of Tullibirdine, Robert, Erll of Roxburgh, Johnne, Vicount of Lauderdaill, Thomas, Lord of Binning, David, Lord Carnegye, James, Lord of Balmerinoch, Sir Williame Douglas of Drumlangrig, Sir Haliburtoun of Pitcur, Sir Johnne Hamiltoun of Lettrik, Sir Johnne Vaus of Barnbarraugh, Sir Thomas Gordoun of Cluny, George Afflek of Balmanno, Strauchane of Thornetoun, Sir Robert Steuart of Shillinglaw, James Arnott, burges of Edinburgh, Mr Alexander Wedderburn, clerk of Dundee, Sir Thomas Menyees, provest of Abirdeene, and Johnne Machiesoun, clerk of Carraill, and gaif thair grite and solemne oathe that thay sall cairfullie and dewtifullie execute the commission grantit to thame for plantatioun of the kirkis, and that thay sall keepe the dyetis to be appointit to that effect." (See footnote, *ante*, p. 164.)

Edinburgh, 1st July 1617.

Sederunt—Chancellor; Binning; Carnegye; Privy Seal; Treasurer-Depute; Clerk of Register; Advocate; Ridhous; Medop.

Lancelot Andrewes, Bishop of Ely admitted of the Council.

This day Lancelot, Bishop of Elie, appeared personally and was duly admitted of the Council, in accordance with the following missive from his Majesty:—"Right traist cosines and counsellouris, we greete yow weele. Whereas we think it meete and expedient, for divers goode
Fol. 117, a. considerationis moveing us, to preferre the reverend father in God Lancelot, Bishop of Elie, to be one of our Previe Counsell of this our kingdome, thairfore it is oure will that yow ressave and admitt him to be one of the ordinair nomber of oure said Counsell, and minister unto him the oathe accustomat in lyke caisis. Wheranent these presentis salbe youre warrand. At Haliruidhous, the penult day of Junij 1617."[2]

[1] On this day, Monday 30th June, the King, Parliament being happily over, left Edinburgh for Stirling. He was received there with an English speech, in name of the town, by Mr. Robert Murray, Commissary of the town; which, with two very long poems in Latin hexameters presented to him (one by a William Wallace), will be found duly printed in *The Muses Welcome*. While in Stirling, he was to reside in the Castle, one of his royal palaces.

[2] The selection of this English prelate for the honour of membership of the Scottish Privy Council may have been owing to his general intellectual distinction and his special celebrity for pulpit oratory, but must have been due in part also to his championship of High Church Episcopacy and of the doctrine of Kingly prerogative. On this account he had been a favourite with James since the beginning of his English reign.

Proclamation forbidding the importation of wines from the 1st of August to the 1st of January next, in order that the excessive stock of wines recently brought into Scotland to supply the expected demands of his Majesty's Court and retinue during his Scottish visit, and now in the hands of merchants and vintners, may be sold off in convenient time.

"Forsamekle as, divers of his Majesteis goode subjectis of the burgh of Edinburgh and otheris burrowis of this kingdome heiring of his Majesteis constant purpois and resolutioun to honnour this his antient kingdome with his royall presence, and apprehending that far gritair nomberis of people of all rankis and qualityis wer to accompanie his Majestie nor come heir at this tyme,[1] thay, oute of thair kynd respect and regaird to the credite of the cuntrey, enterit in consideratioun quhat necessair suppleement of wynes wer . . . to be broght home for the provisioun of his Majesteis royall courte and tryne, by and attour that quantitie quhilk ordinarlie comes home everie yeir for the furnissing of the cuntrie, and accordinglie thay, with grite hasaird, chargeis, and losse, broght home gritair abundance of wynes nor his Majesteis court and cuntrey ar able at this tyme to dispatche, the maist pairt of the yeir being now spent and the seasoun of the new vintage approtcheing; quhairby it will fall oute that ane grite quantitie of this yeiris wynes will rest in the marcheantis and ventenaris handis, to thair utter wrack and undoing, without remeid be providit: Thairfoir the Kingis Majestie, with advise of the Lordis of his Secreit Counsell, hes thoght meete and expedient that for this yeir thair salbe ane generall restraint of homebringing of ony wynes to this cuntrey fra the first day of August to the first day of Januair nixttocome, to the effect that in this meantyme the wynes alreddy come home may be ventit and rwn; and thairfoir ordanes letteris to be direct to command, charge, and inhibite all and sindrie his Majesteis liegeis and subjectis, and strangearis, be oppin proclamatioun at the mercatt croceis of the heade burrowis of this realme and otheris placeis neidfull, that nane of thame presoome nor tak upoun hand to bring home to this cuntrey frome foreyne pairtis ony wynes fra the said first day of August to the first day of Januair nixttocome, under the pane of confiscatioun of the haill wynes sua to be broght home to his Majesteis use; certifeeing thame that sall do in the contrair that the saidis wynis salbe confiscat and eshete to his Majesteis use." Acta Mar. 1615–Aug. 1617.

Proclamation for the recovery of some of his Majesty's silver plate which is missing: detention of any part of it to be punished with death.

"Forsamekle as thair is ane certane quantitie of his Majesteis silver plaitt and other housholde stuff in missing be the cairles and negligent keeping of these to whose charge the same apperteyned, thairfoir the Lordis of Secreit Counsell ordanis officeris of armes to pas to the mercatt croce of Edinburgh and utheris placeis neidfull, and thair be oppin proclamatioun to command and charge all and sindrie personis in whose handis ony of his Majesteis silver plaitt and housholde stuff now to inbring and delyver the same to his Majesteis Deputie Thesaurair within xxiiij houris nixtefter the publicatioun heirof, under Fol. 117, b.

[1] This looks like an intimation that the retinue that had actually accompanied the King from England into Scotland had fallen far short of the huge number,—5000 persons of all ranks and 5000 horse,—for which preparation had been ordered in the preceding December (see *ante*, vol. x. pp. 683–4). There is also proof, however, that not a few of the English strangers who came with the King did not remain with him all the while he was in Scotland, but went back individually after some stay, on calls of public or private duty.

Acta Mar. 1615-Aug. 1617.

the pane of deade; certifeeing thame that hes ony of his Majesteis silver plait and housholde stuff, and will not inbring the same as said is, or in whose handis the same salbe deprehendit heirefter, that thay salbe execute to the deade without favour."

Decreta Jan.–Nov. 1617. Fol. 77, a.

[Sederunt as recorded above, with the addition of Curriehill.]

Edinburgh, 1st July 1617

Caption against Lord Oliphant for debt to John Lands.

Complaint by Johnne Landis, merchant burgess of Edinburgh, that Lawrence, Lord Oliphant, remains unrelaxed from a horning of 15th May instant for not paying the sum of 500 merks.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Fol. 77, b.

John Maxwell against John M'Naught, tutor of the young laird of Kilquhannatie, for refusing offers made to him of atonement for the slaughter of the late laird of Kilquhannatie.

Complaint by Johnne Maxwell, son of the late Alexander Maxwell of Logane, that all offers which he has made to Johnne McNaught, merchant burgess of Edinburgh, tutor of Johnne McNaucht now of Kilquhannatie, for his unhappy slaughter of Johnne McNaught of Kilquhannatie, who fell by his hand "upoun meir suddantie and not upoun purpois nor provisioun," have been rejected; and that the said Johnne McNaught does all in his power to hold pursuer under danger of the law.—Pursuer and defender both appearing, the former produces certain offers in writing which he had presented to defender bearing (1) that he protested on his oath that the slaughter was committed "upoun suddantie," (2) that he was content to "mak homage to the pairtie grevit in suche forme and place as thay please," (3) that he would be "ane brother to the pairty" and "tak thair pairt in all thair honnest and lesome causis aganis all deidlie, his Majestie exceptit," (4) that he would pay 600 merks at such terms as desired, "togidder with all landis, heritage, sowmes of money, goodis, or geir quhatsumevir, quhairevir the same can be tryit pertening to him before the dait heirof," and (5) that his offers "sould be eickit and pairit at the sicht of the most honnourable freindis of the pairtie grevit, being alwyse in his possibilitie to performe." Defender, having been asked why he had not accepted these offers, replies that as tutor he could not agree, because Johnne McNaucht of Kinquhannatie, son of the deceased, was "not past the aig of sax yeiris," also that the murder was done deliberately, and that pursuer "by his contemptuous behaviour doeth at all tymes as he findis the occasioun mak provocatioun to the freindis of the said umquhile Johnne by resorting to suche placeis quhair thay are in contempt and dispyte of thame, and by resorteing to the parroche kirk quhair the said umquhill Johnne McNaucht lyis bureyed." To this pursuer replies that the slaughter was not deliberate, and, "for verificatioun thairof, and that thair wes no foirthocht fellony in that mater," he is "content and willing to submitt him selff to the tryall of ony famous and honnest gentilman of the cuntrey thairanent"; and, "gif the samyn be provin aganis him," he is "content to suffer death for the same,—with this speciall proviso and

Fol. 78, a.

Fol. 78, b.

conditioun alwayes,—that, gif the same be not tryit and that his pairty succomb in the probatioun thairof, that then he be assoilzeit." He also denies the charge of provocation. He was never at the said kirkyard but once, and then he went to a tryst with the Laird of Holme, for a treaty of marriage between the laird's son and his sister. The Laird of Holme was sick at that time, and could not travel further than the said kirk.—The Lords find that, in respect of the minority of the Laird of Kilquhannatie, they cannot compel defender to accept the said proposals, and "thairfore ordanis this mater to rest till the said Johnne M^cNaucht, minor, be of lauchfull aig." Decreta Jan.–Nov. 1617.

Edinburgh, 3rd July 1617.

Sederunt—Chancellor; Ergyle; Tullibardin; Binning; Carnegy; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Medop; Ridhous; Curriehill; M^r Petir Rollok; Sir Andro Ker.

Captions against John Meldrum of Ordley and George Meldrum of Haltoun at the instance of Crichton of Frendraucht.

Complaint by James Creichtoun of Frendraucht, donator to the escheat and liferent of the lands of Johnne Meldrum of Ordley, held by him of Andro Meldrum of Drumbrek, superior, that the said Johnne remains unrelaxed from a horning of 27th August last for not paying the ferms of the lands of Ordley and Corriedoun for the years 1604–14 inclusively, or else the prices thereof, together with £10 of expenses and £5 for collector's silver. Also that George Meldrum of Haltoun remains unrelaxed from a horning of 23rd January last for not "warranding to the said complenair of ane letter of approbatioun and ratificatioun maid be him to the said complenair," dated 19th April 1614, "fra the said George awne fact and deid."—Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend the defenders, seize their houses, and inventory their goods for the King's use. Fol. 79, a.

Caption against George Meldrum of Haltoun at the instance of Andrew Meldrum of Drumbreck.

Complaint by Andro Meldrum, now of Dumbrek, that George Meldrum of Haltoun remains unrelaxed from a horning of 22nd August last for not fulfilling to him, as assignee constituted by the late Andro Meldrum of Drumbrek, his father, an assignation and translation made by the late M^r Williame Meldrum of Moncoffer to pursuer's father; for not delivering all the reversions and "auld evidentis" which the said late M^r Williame had of the lands and lordship of Fyvie or any part thereof; "for not warranding to him of the haill reversionis, assignatioun, and translatioun of the samyn to be good, valiable, and sufficient for redemptioun and outquiteing of the saidis haill landis, mylne, mylne landis, scolarie of Ellon, and nynt salmond fishes of the watter of Ithan, and haill remanent landis contenit in the saidis letteris of horning"; with sundry other heads and articles.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order to the Captain of the Guard as above. Fol. 79, b.

Caption

Complaint by Sir Henrie Wardlaw of Pittravie, knight, chamberlain of Fol. 80, a.

Decreta Jan.-Nov. 1617.

the Queen, that Andro Monro of Mekle Allane, Robert Monro of Teaniche, Williame Ros of Innercharran, Hucheoun Monro of Urquhart, and Robert Monro, tiar therof, remain unrelaxed from a horning of 27th December last for not paying the following ferms for lands within the Earldom of Ros and Lordship of Ardmanache, for the year 1615: Andro Monro, £192; Robert Monro, £38, 10s.; Williame Ros, £420; Hucheoun and Robert Monro, £239, 5s.—Pursuer appearing by Alexander Douglas, macer, and defenders not appearing, the Lords give order to the Captain of the Guard as above.

against Andrew Munro, Robert Munro, William Ross, and others, for non-payment of rents to the Queen's Chamberlain.

Fol. 80, b.

Complaint by Mr William Fullertoun, minister at Cleghorne, that James, Earl of Glencarne, remains unrelaxed from a horning of 1st March last for not fulfilling the conditions of a contract, dated 2nd May 1609, by paying 200 merks as annual rent of 2000 merks for all the years unpaid since the signing of the same.—Pursuer appearing by David Fullertoun, and defender not appearing, the Lords give order to the Captain of the Guard as above.

Caption against the Earl of Glencairn at the instance of Mr. William Fullarton, minister of Cleghorn.

Fol. 81, a.

Complaint by Williame Irwing of Murthill, that Sir Alexander Fraser of Fraserburgh, knight, as principal, and Alexander Fraser, apparent of Fraserburgh, Hew Craufurd of Quhythill, George Craufurd of Annachie, and Alexander Fraser of Forrest, as cautioners, remain unrelaxed from a horning of 13th January last for not paying £4 for each undelivered boll of 4000 bolls of oatmeal.—Pursuer appearing by Archibald Dowglas, macer, and defenders not appearing, the Lords give order as above.

Caption against Sir Alexander Fraser of Fraserburgh and others for debt to William Irvine of Murthill.

Complaint by Williame Jonstoun, indweller in Edinburgh, that Alexander Douglas of Maynis, and Archibald Douglas, brother german of James, Lord Torthorwald, remain unrelaxed from a horning of 9th

Fol. 81, b.

August for not paying the sum of £62.—Pursuer appearing personally, and defender not appearing, the Lords give order as above.

Caption against Alexander Douglas of Maynes and Archibald Douglas for debt to William Johnston.

Complaint by Mr James Gaw, son and heir of the late Thomas Gaw, notary, burgess of Perth, that William Fyff, notary, citizen of Dunkeld, remains unrelaxed from a horning of 20th March last for not paying 700 merks of principal, with annualrent of 70 merks and £50 of expenses; also "the lyke sowme of fyftie pundis for ilk chairge that sould happin to be gevin be virtew of the saidis letteris."—Pursuer appearing by Alexander Douglas, macer, and defender not appearing, the Lords give order as above.

Caption against William Fyfe for debt to Mr. Thomas Gaw.

Fol. 82, a.

Complaint by Mr William Broun, "Thesaurer clerk," that Johnne, Lord Hereis, remains unrelaxed from hornings of 28th and 31st March last for not paying 600 merks of principal and £40 of expenses.—Pursuer appearing personally, and defender not being present, the Lords give order as above.

Caption against Lord Herries for debt to Mr. William Brown.

Fol. 82, b.

Complaint by Alexander Barclay, merchant burgess of Edinburgh, now indweller in the toun of Mayboll, and William Davidsoun, his servant, as follows:—The said Alexander had employed Adame Wallace, messenger, to execute letters of lawburrows on 5th April last against Thomas McConeill, servitor to Gilbert Ros of Millanerdaill. The

Alexander Barclay against John Ross for assault.

messenger was accompanied by the said Williame Davidsoun and Andro M^cIlwraith as witnesses. When he had executed his charge at the house of the said Gilbert Ros, the said Thomas M^cConeill, and Johnne Ros, son and heir of the said Gilbert, threw him over the stair of the said house, to his great hurt. Immediately afterwards, they went to the gate of pursuer's house, and, finding pursuer there, assaulted him with drawn swords, cut his clothes, and wounded him in the hand. Pursuer's wife, having interfered to save him, was laid hold of, and "harlit" by the hair of the head "athorte the cloise."—The said Alexander appearing for himself and his servant, and the said Johnne Ros not being present, the Lords order the defender to be denounced rebel. Decreta Jan.-Nov. 1617. Fol. 83, a.

Complaint by Gilbert Wilson, Scottish merchant in Poland, against Mr. Patrick Gordon, his Majesty's agent in that kingdom, for gross neglect of his duty of protecting the interests of his Majesty's Scottish subjects there, and in particular for illegal exaction of money from complainer and ill-treatment of him otherwise personally. Part of the complaint held proven, and defender committed to ward in consequence; the rest of the action adjourned till receipt of depositions of witnesses who are to be examined in Poland.

"Anent oure Soverane Lordis letteris reasit at the instance of Gilbert Wilsoun, merchand and burges of Peterco in Poilland, makand mentioun that, quhair in ane Parliament haldin and keipit be the King of Poill at the toun of Warso thair wes ane act and edict maid and set doun quhairby everie Scottisman resident in Poill wes decernit to pay twa goodlingis yeirlie for his head, quhilk is that same slavishe toill and impositioun layd upoun the Jewis and quhairwith no utheris Christeanes bot onlie the borne subjectis of this kingdome wer burdynit: at quhilk tyme thair being some Scottismen resident at the court of Poill, and, heiring of this grevous and unsupportable impositioun layd upoun thair cuntrey men, thay be thair letteris acquentit Johnne Wynrahame, James Broun, and the said complenair thairwith, intreating thame to advise with the rest of thair cuntrey people to tak some course how thay micht procure the abrogating and repealing of this act: Quhairupoun a nomber of thame convenit at the toun of Lauschoittis, and, by commoun consent of the whole assemblie, Alexander Narne and the said complenair wer pointit out and chosin to go to courte and use thair credite and moyen to get the said act stayit. Lyke as thay accordinglie past to the courte, and by thair industrie and travellis thay so fer prevaillit as the execution of the said act wes ordanit to rest till the nixt ensewing Parliament. And the said complenair wes desyrit to attend that Parliament for the same busynes; bot, the necessitie of his adois urgeing his addresse to this his native cuntrey, he took purpois to come to his Majesteis kingdome of England; and, forgaddering thair with some of his Majesteis subjectis his awne cuntrey men, thay demandit of him quhat occurrentis he had frome Poill; unto whome he relaited particularlie quhat had past in the said Parliament aganis his Majesteis saidis subjectis: who being grevit that suche ane strainge act, so far aganis these commoun dewteis of correspondence keipit be his Majestie with the said King of Poill, sould stand over his Heynes saidis subjectis headis, thay advisit the said complenair to acquent his Majestie thairwith. Quhilk being accordinglie done be the said complenair, and he haveing submissivelie beggit of his Majestie his Heynes gratious letter of recommendatioun in his Majesteis saidis subjectis favouris to the King of Poill, that thay micht be no utherwyse usit than uther Christeanis travelling in these boundis, his Majestie askit Fol. 83, b.

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of the said complenair quhat his Heynes agent Mr Patrik Gordoun had done in that eirand. And, the said complenair haveing schawne unto his Majestie, as the treuth wes, that he had nevir sene nor knew not the said Mr Patrik, and that he had nevir kythet nor delt in this busynes, his Majestie wes gratiouslie pleasit to write unto him willing him to imploy his best meanis for staying of the said act of Parliament,—quhairin he hes nevir done ony thing, seing the said act yit standis in force, with this onlie chainge, that the word head is omitit and the goodlingis appointit to be tane of everie persone. And this wes procureit be some of his Majesteis subjectis remaining in Poill, and nawyse be the procurement of the said Mr Patrik. And, whereas Alexander Auchtirlony and Robert Cunynghame, tua verie unnaturall Scottismen, had procuret frome the said King of Poill the forfeyte of the fourte pairt of the goodis pertening to ane Thomas Forbes, his Majesteis borne subject travelling in Poill, for this onlie caus that he come home to visite his freindis, and thairefter had gevin oute fals bruitis and rumoris that the said Thomas wes dead, and thairupoun procuret the eschete of his haill goodis and intentit actioun thairupoun; quhilk seames to induce a preparative aganis his Majesteis haill subjectis remaneing in Poill that thay sould forfeyte the fourte pairt of thair guidis gif thay transportit ony pairt thairof oute of Poill, and, gif thay deit without the cuntrey, that the haill guidis and geir pertaining to thame being within the said cuntrey sould befall to his Majesteis said bruther. Informatioun quhairof being brocht to the said Thomas, he then being within this kingdome of Scotland about a twelf-moneth syne, he acquentit the said complenair thairwith and cravit his opinioun quhat wes fittest to be done thairintill; to whome the said complenair gaif his advise that he sould complene to his Majestie and humelie beg his Heynes letter of recommendatioun in his favouris. Quhilk being accordinglie done, and his Majesteis letteris purchest both to the King of Poill and to the said Mr Patrik Gordoun, the said Thomas, being affrayit to go with the letteris him selff, eirnistlie delt with the said complenair that he wald cary and deliver the saidis letteris. Quhilk the said complenair undirtooke to do, out of his affectioun to his cuntrey people allanerlie, without ony respect of gayne. And, comeing with the saidis letteris to Danskene, and forgaddering thair with Mr Patrik Gordoun, he deliverit the saidis letteris to him. At the ressett quhairof he enterit in verie bitter and hott speitcheis aganis the said complenair, saying that he wes over malapairt to mak ony complaint to his Majestie, seing *he* wes appointit for that eirand; and with that upbraidit the said

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complenair, calling him a mutyner and sawer of seditioun betuix his Majestie and the said King of Poill. And he not onlie concealit his Majesteis letteris writtin be his Heynes to his said darrest bruther and maid no deliverie of the same, bot with that he [so] abusit and threatnit the said complenair that, to be quite of his trouble, he wes constraynit to pay unto the said Mr Patrik ane hundreth Ungairis ducattis, extending to sevin hundreth merkis Scottis or thairby. And, the said Mr Patrik

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fearing that the said complenair wald complene bothe of the concealeing and not deliverie of the saidis letteris and of the oppressioun and injurie done be him to the said complenairis selff, the said Mr Patrik, for preventing this complaint and to mak the said complenair seame so muche the moir odious to his Majestie, and to procure, gif possiblie he could, a prohibitioun that the said complenair sould nowyse come to Scotland, the said Mr Patrik be his letteris writtin unto his Majestie hes maid his Heynes to undirstand that the said complenair hes bene a mutiner and sawer of dissentioun betuix his Majestie and the said King of Poill; for the quhilk a citatioun is usit aganis the said complenair to compeir and ansuer thairupoun under the paine of tressoun. And now, through the concealing and not deliverie of his Majesteis letteris to his Heynes said darrest bruther the King of Poill, the preparative foirsaid, quhairby the goodis of all his Majesteis subjectis travelling in Poill and deeing oute of the cuntrey befallis to the said King of Poill, hes begun to tak executioun aganis umquhill James Mitchell, merchant and burges of this burgh and sumtyme travellour in Poill, who haveing depairtit this lyff within the cuntrey and haveing sindrie goodis and geir pertening to him within the cuntrey of Poill, the said Robert Cunynghame hes purchest the gift thairof and hes intentit actioun thairupoun aganis the said James creditouris and aganis the said complenair as procuratiour for his executouris. And he delt and travellit with the said complenair to deliver the bandis and obligationis to him; quhilk becaus the said complenair refusit to deliver, he hes renewit the first informatioun maid to the King of Poill that the said complenair wes a mutynair and a sawer of seditioun betuix his Majestie and him. The executioun of the said citatioun is vehementlie urgeit aganis the said complenair; for fear quhairof the said complenair is constraynit to leave the cuntrey, his wyff, bairnis, and haill estaite and fortonis, being suirlie informit by those who wisheis his weele that, gif he had stayit, it had coist him his lyff. And of all this trouble and distres befallin unto the said complenair, and of these begynningis of novalteis and preparatives upoun his Majesteis good subjectis by confiscatioun and forfeyting of thair goodis in maner foirsaid, the said Mr Patrik Gordoun is the speciall authoure, seeing, gif he had deliverit his Majesteis letteris and had dischairgit that dewtie and trust quhilk wes reposit in him, the said King of Poill wald haif bene loath to haif gevin unto his Majestie ony just caus of miscontentment.—And anent the chairge gevin to the said Mr Patrik Gordoun to have compeirit personalie before the Lordis of Secrite Counsaill this present third day of Julij instant to have ansuerit to this complaint and to have hard and sene sic ordour tane thairanent as appertenit, undir the pane of rebellioun and puting of him to the horne, with certificatioun to him and he failyet letteris sould be direct *simpliciter* to put him thairto, lyke as at mair lenth is contenit in the saidis letteris, executionis, and indorsationis thairof. Quhilkis being callit, and the said persewair compeirand personalie, and the said defendair being lykwyse personalie present, it wes

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ansuerit be the said defendair, to that point of the said complaint tuitcheing his alledgeit compelling of the said persewair to gif unto him the sowme of sevin hundreth merkis for the caus libellit, that the sowme foirsaid wes not gevin for that caus, bot that conditioun wes maid of the said sowme to him be the said Gilbert Wilsoun, persewair, for his deliverie unto the said Gilbert of foure infamous letteris writtin be the said Gilbert aganis the said defendair and in his disgrace and prejudice, and to the effect the said Gilbert micht be reconsiliat with him. Quhilk exceptioun and ansuer being found relevant be the saidis Lordis for elyding of the said complaint in the pointe and head thairof abonewrittin, the saidis Lordis admitit the same to the said M^r^ Patrik his probatioun. Lyke as the said M^r^ Patrik, in the presence and audience of the said Gilbert, gaif up to the saidis Lordis the personis following, whome he wald use as witnesis for preving of the said exceptioun,—to witt, Capitane Patrik Leirmonth, James Arnote, jewellair, William Buchane in Danskeen, James Gordoun in Posno, and James Rowane in Danskeene; quhilkis personis wer admitit be the said Gilbert without ony objectioun maid be him aganis thame. And, whereas the saidis personis are now resident in the toun of Danskene, or some other pairt thairabout, sua that thay may not compeir befoir the saidis Lordis to depone in this mater, and the said M^r^ Patrik haveing undirtane to exhibite thame befoir the lordis and burrowmaisteris of the toun of Danskeene to be examinat upoun this point, the saidis Lordis thairfoir ordanis ane missive letter or commissioun to be writtin to the burrowmaisteris of the toun of Danskeene intreating thame to call the personis foirsaidis before thame, to examine thame upoun thair solemne aithe anent the treuth and veritie of the exceptioun foirsaid maid and proponit be the said M^r^ Patrik in the mater foirsaid, and to tak thair depositionis thairupoun in write, and to reporte the same sealled and subscryvit to the saidis Lordis, to the effect thay may accordinglie gif and pronunce thair decrite and sentence in the said mater. And the saidis Lordis assignis unto the said M^r^ Patrik the xxix

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day of Aprile nixttocum for reporting unto thame of the depositionis of the witnesis abonewrittin sealled and subscryvit as said is,[1] and ordanis him to gif wairning to the said Gilbert Wilsoun of the tyme quhen the saidis witnesis ar to be examinat, to the effect he may be present to heir thame sworne, and decernis him to consigne the sowme foirsaid of sevin hundreth merkis in the handis of the clerk of the Counsaill, to remane in his handis quhill the pronunceing of decrite and sentence in this mater. And, whereas thair wes ane eik gevin in be the said Gilbert Wilsoun to this complaint aganis the said M^r^ Patrik Gordoun, beiring that the said M^r^ Patrik, the tyme of the chairge gevin to him be vertew of the letteris to have compeirit before the saidis Lordis, avowit and protestit to caus cut the luggis oute of the said Gilbertis head, and the said M^r^ Patrik being callit upoun and hard upoun the saidis speetcheis, the saidis Lordis admitit the same to the said Gilbert his probatioun. And, divers personis

[1] The sequel to this business will be found in the *Decreta* under the date 3rd May 1618.

being produceit be him, ressavit, sworne, and admitit as witnesis in this mater aganis the said Mr Patrik, the said Gilbert did cleirlie and sufficientlie verifie and prove that the saidis speitcheis wer spokin and utterit be the said Mr Patrik. Inrespect quhairof the saidis Lordis findis and declairis that the said Mr Patrik has verie fer overseene him selff by uttering of suche threatning and minassing speetcheis aganis the said Gilbert for persewing of his Majesteis lawis be the ordinair forme of justice aganis the said Mr Patrik: thairfore ordanis the said Mr Patrik to be committit to waird within the Castell of Edinburgh, thairin to remane upoun his awne expensis ay and quhill he be fred and relevit be the saidis Lordis." Decreta Jan.–Nov. 1617.

Edinburgh, 8th July 1617.[1]

Sederunt—Chancellor; Carnegy; Master of Elphinstoun; Privy Seal; Justice Clerk; Clerk of Register; Kilsaythe; Advocate; Ridhous; Medop; Currihill; Mr Peter Rollok; Sir Andro Ker. Acta Mar. 1615–Aug. 1617. Fol. 117, b.

Charge to the Earl of Perth and Lord Livingston in the matter of a feud between them.

"Forsamekle as it is understand to the Lordis of Secreit Counsaill that thair is some variance and contraversie standing betuix Johnne, Erll of Perthe, and Alexander, Lord Levingstoun, on the other pairt, quhairupoun grite inconvenientis may fall oute to the brek of the peace and disquieting of the cuntrey, without remeid be providit: Thairfoir ordanis letteris to be direct chargeing the saidis personis to compeir personalie befoir the Lordis of Secreit Counsell upoun [the] xv day of Julij instant to underly suche ordour as salbe tane with thame for the peace and quietnes of the cuntrie, under the pane of rebellioun, &c., with certificatioun, &c.; and in the meantyme to command and charge thame that thay observe his Majesteis peace, keepe goode reule and quietnes in the cuntrey, and that thay nor nane of thame presoome nor tak upoun hand to invade or persew ane another for quhatsomevir deid, caus, or occasioun, ather of thame under the pane of vm lĭ., with certificatioun to thame that sall failyee or do in the contrair that thay salbe decernit to haif incurrit and to incur the said pane, and letteris and executoriallis salbe direct aganis thame for payment [thair]of in forme as effeiris."

Edinburgh, 8th July 1617.

[Sederunt as recorded above.] Decreta Jan.–Nov. 1617. Fol. 85, a.

Caption against Lord Oliphant for debt to James Rae.

Complaint by James Rae, merchant burgess of Edinburgh, that Laurence, Lord Oliphant, remains unrelaxed from a horning of 1st July instant for not paying £1547 of principal and 300 merks of expenses.—Pursuer Fol. 85, b.

[1] On the preceding Saturday, 5th July, his Majesty, after several days passed in Stirling and its neighbourhood, had gone to Perth. The incidents of his reception there, as recorded in the volume of *The Muses Welcome*, were an English speech of welcome, full of classical allusions, by John Stewart, merchant burgess of the town, and the presentation of eight Latin poems, one of them the composition of the same John Stewart, others by Alexander Adamson, Henry Adamson, Adam Anderson, also merchants of the town, and one by a George Stirk. While in Perth, his Majesty may have visited, and must have looked at, Gowrie House, and remembered what had happened to him there seventeen years before.

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appearing by Thomas Forbes, writer, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against John Logan, merchant in Edinburgh, for non-payment of dues to the Tackmen of the Customs.

Complaint by William Murray of Dundrenane, Niniane McMorrane, Archibald Prymrois, Mr Johnne Hammiltoun, Mr Johnne Drummond, Mr Alexander Andro, James Arnote, James Inglis, Robert Hammiltoun, and Johnne McKyesoun, tacksmen of his Majesty's great customes and imposts of wines, that Johnne Logane, merchant burgess of Edinburgh, receiver of the impost of wines at the port of Leyth, remains unrelaxed from a horning of 9th April last for not paying £8519, 1s. 1d.—Pursuers appearing by Johnne Grant, and defender not being present, the Lords give order to the Captain of the Guard as above.

Fol. 86, a.

Edinburgh, 10th July 1617.

Sederunt—Chancellor; Argyle; Carnegy; Privy Seal; Clerk of Register; Justice Clerk; Advocate; Kilsyth; Ridhous; Mr Petir Rollok; Sir Andro Ker.

Caption against Patrick Halkhead at the instance of John Murray for non-removal.

Complaint by Johnne Murray, son of the late Sir Johnne Murray of Ettilstoun, knight, that Patrik Halkhead in Lunfannes, and Issobell Boiswell, his spouse, remain unrelaxed from a horning of 7th April last for not removing from the lands of Nethir and Souther Lunfannance and their pertinents.—Pursuer appearing by Mr James Baird, and the said Patrik not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Fol. 86, b.

Act in favour of the burgh of Irvine, granting a toll for the repair of the harbour and causeys of the burgh.

Petition by the provost, bailies, council, and inhabitants of the burgh of Irwing, as follows:—At the General Convention of the Burghs held at the burgh of Dunbertane on 5th instant, permission was given to them to petition his Majesty to grant the right of levying the following tax for the repair of the harbour and calsays, whose decay has caused "the haill trade and handling of the said burgh be sea" to be "in a maner failled and cassin up:"—viz., of each boat of timber "laidnit or lossed" within the harbour, water-mouth, and liberties of the burgh, 3s. 4d.; of each dozen "Irland buirdis" that shall be sold or "lost" there, 8d.; of each thousand barrel staves, ijs.; of each hundred "cairt-treis," 12d.; of each hundred "rungis," 4d.; of each "daiker" of hides, 12d.; of each last of herring, 3s. 4d.; of each horse or mare from the Isles or Ireland, 2s.; of each score of sheep, 2d.; of each nolt, 2d.; of each score of plaiding brought in by unfreemen, 12d.; and of each dozen small skins, 1d.; to be levied during the space of 5 years.—The Lords grant the petition, and give powers to the magistrates to levy the same.

Caption against Alexander and William Bruce for debt to James Hamilton.

Complaint by James Hammiltoun, tailor, indweller in the city of Londoun, that Alexander Bruce of Poknave and William Bruce of Bakraw

Fol. 87, a.

remain unrelaxed from hornings of 28th June last and 1st July instant respectively for not paying 3300 merks of principal and 500 merks of expenses.—Pursuer appearing by David Creichtoun, and defenders not

appearing, the Lords order the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Decreta Jan.–Nov. 1617.

George Douglas of Frereshaw against James Midlemest and others for violence and depredation.

Complaint by the King's Advocate, George Douglas of Freirschaw, and George Douglas in Lillislie, as follows:—Johnne Rutherfurd, called "Provestis Jok," James Middlemest, brother of William Middlemest of Lillislie, and Patrik Broderstanes, servitor to the said William, went on January 1616 to the said George Douglas's house of Freirschaw and "searcht and socht to have slane him." They made "divers provocationis unto him to have come furth of his house, and, seeing thay could not trayne him furth of his house, thay past directlie to his yaird and maliciouslie and dispytefullie cuttit twenty of the best asche treis being within his yaird, thinking by that meane to haif causit him to come oute." On May last the said persons, armed with hagbuts and pistollets, went to the said George Douglas's house in Lillislie, "invaidit and persewit him of his lyff, presentit hagbutis to haif shoote in at his dure and windois," and "ran at his durris to haif forced the same." Being foiled in their attempt, they made a second attack upon Freirschaw, "shoiring and avowing to haif schote a cupple of bulletis through."—Pursuers appearing personally, and defenders not appearing, the Lords order defenders to be denounced rebels. Fol. 87, b. Fol. 88, a.

Caption against Hew Weir of Cloburne at the instance of Abigail Carmichael, relict of the late Hew Weir of Cloburne.

Complaint by Abigaill Carmichaell, relict of Hew Weir of Cloburne, and Thomas Hay of Scrogis, now her spouse, that Hew Weir of Cloburne remains unrelaxed from a horning of 15th April last for not keeping a contract made between the late Elizabeth Sommervell, Lady Carmichaell, the late Sir Johnne Carmichaell of that Ilk, and Hew Carmichaell, his eldest son, for themselves and the said Abigall, on the one part, and the late Hew Weir, elder, and Hew Weir, younger of Cloburne, on the other, dated 17th April and 3rd May 1591; and especially for not seising the said Abigall in liferent in the mill of Cloburne, the mill lands, "astrict multouris," and pertinents thereof, and in the lands of Sillis in a clause of warrandice, together with 12 bolls of meal yearly from the said lands of Sillis and pertinents.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 88, b.

Nicolace Jardine, relict of John Carruthers of Holmaynes, against her son, now Laird of Holmaynes, for violence, &c.

Complaint by Nicolace Jarden, relict of Johnne Carrutheris of Holmaynis, as follows:—Johnne Carrutheris, now of Holmaynis, her son, who has divers times attempted to procure her wreck and overthrow, went on the night of last, along with William Carrutheris, apparent of Deanebie, Johnne Carrutheris, called "Bastard Jok," Johnne Hammiltoun, servant to the laird of Holmaynis, Johnne Carrutheris, son of the said William, Frances Carrutheris in Mekle Datoun, and others, all armed, to the place of Holmaynis, "and to that chalmer of the said place quhair the said complenair remanit and dwelt as pertening to hir and quhairof sho wes in possession, and thair efter a most insolent maner brak the dure of the said chalmer, enterit thairintill, brak up the haill

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kistis being within the same, and maisterfullie and perforce pat the said complenair furth of hir said chalmer, and will not suffer hir to returne agane within the same." They also uplift "the maillis, fermes, and dewteis quhairupoun sho sould leive, and disponis thairupoun at thair pleasoure."—Pursuer appearing personally, and the said Johnne Carrutheris of Holmaynis appearing for himself and the other defenders, the Lord assoilzie defenders from the charge of "pulling of the persewair violentlie oute of the house," because defender has denied it on oath; and they remit the other matters to the Lords of Council and Session. They also ordain the said Johnne to find caution in £1000 for the indemnity of pursuer, and to remain in Edinburgh till he find the same.

Fol. 89, a.

Claim of Andrew Abernethy of Glencorse against Henry Kinloch, his Majesty's postmaster, for the restitution of a horse abducted at Holyroodhouse.

Complaint by Andro Abirnethie of Glencorse, as follows:—On 2nd July instant, he brought 43 horses to the Palace of Halyruidhouse for "lifting of his Majesteis careyage and careying of the same thairfra to Dunbar." He went himself with the horses, "resolvit to haif attendit that service and to haif seene that no default sould be in the horsse brocht with him. And, lichting within the Palice cloise, he festned and band his awne horsse quhairon he raid to ane cairt standing in the cloise, and he went to seik the maister of his Majesteis cariage to gif him notice of his diligence and of the nomber of horsse that he had brocht in. And in the meantyme, quhen the said complenair wes seikand the maister of his Majesteis cariage, his awne horsse, standing brydlit and saidlett at the cairt, wes lousit and tane away. Informatioun quhairof being maid to the said complenair, he maid diligent inquirie in all pairtis heirabout for his horsse and could get no tryall of him, bot that one with ane reid coitt wes seene ryd away with him. At last, haveing bestowit some ten or twelf pundis upoun the speiring of him, the said complenair is suirlie adverteist that Henry Kinloche, poist-maister, and Johnne Forres, his servand, wer the awaytakeairs of the said complenairis said horsse, undir the culloure and pretext of the said Harye his office of poist-maister. And, gif the libertie and previledge of that office will cary the said Harye or his servandis in his name to mell with ony manis horsse at thair awne hand unacquenting the awnair, and not to mak restitutioun and deliverie, the said complenair is ignorant in that point, and he leavis it to the Lordis of Prevey Counsell to considder thairof. Bot, so far as he apprehendis, he can clame to no suche previledge be his office; and thairfore he aucht to be ansuerable and debttour to the said complenair for his said horsse, and sould outher restore him to the said complenair saidlet and brydlit in als guid estaite as he ressavit him, or then he sould mak payment to said complenair of the price of the said horsse, quhilk with the saidle wes worthe sexscore pundis."—Pursuer appearing personally, and the said Harie Kinloche appearing for himself and his servant, the Lords order defender to restore the said horse as he found it, or pay £50 in lieu thairof.

Fol. 89, b.

Commissions. Fol. 31, b.

Commission to Campbell of

Commission under the Signet signed by the Chancellor, A. Elphinstoun, J. Cokburne, Sir A. Hammiltoun, and P. Rollok, is given to Coline

Lundie and others for the apprehension and trial of William Harper and another, accused of assault and robbery.

Campbell of Lundie, Patrik Campbell of Kethik, and Alexander Campbell of Crunane to apprehend and try William Harper in Craigheid, and James Bane M^cCondochie V^cJames, resident with Allaster Robertsoun of Doun, who remain unrelaxed from a horning of 23rd May last, at the instance of James Clerk in Helmure, and Doun, his spouse, for not having found caution for their appearance before the Justice on the charge of having gone by night to their house in Holmure, bound them and their children hand and foot, and cast them in a chest, "of purpois to haif smorit thame"; and of having broken up all the "kistis" within the house, and stolen 50 merks, besides the whole "insicht" of the house, worth 600 merks. Commissions.

Edinburgh, 15th July 1617.[1]

Sederunt—Chancellor; Argyill; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Ridhous; Medop; Curriehill; M^r P. Rollok. Acta Mar. 1615–Aug. 1617. Fol. 118, a.

Orders anent horses to be sent to Holyroodhouse for the conveyance of part of his Majesty's luggage thence to Broughton in Tweeddale.

"Forsamekle as a pairt of his Majesteis cariage is yitt lyand at Haliruidhous whilk mon be send with diligence to Drumfreis, and the parrochynnaris

[1] On the preceding Friday, 11th July, the King had come from Perth, by way of Falkland, to St. Andrews. His reception in this burgh, so important as the ecclesiastical capital of Scotland and the seat of the most ancient of the Scottish Universities, was unusually ceremonious. There was a long Latin speech at his entry by Henry Dansken, schoolmaster of the town, followed by a shorter Latin speech at the porch of the chief church of the city by Dr. Peter Bruce, Rector of the University; and a printed volume of poems was presented to him, consisting of twenty-two Latin pieces, of different lengths and in different metres, and one piece in Greek Sapphics. Among the authors of these pieces, as they are named in the copies of them in *The Muses Welcome*, were such St. Andrews professors and scholars as Dr. James Blair, James Wedderburn, William Erskine, James Gleig, Andrew Bruce, Andrew Wood, William Mailer, John Cornwall, Godfrey Vanderhagen (a Dutchman), John Leitch (already mentioned for his poetical assiduity at other points of the royal progress), John Durward, David Kinloch, and the above-named Henry Dansken. During his Majesty's stay at St. Andrews, moreover, there were two Latin University Disputations in his presence: one of them on the 12th July, on certain *Theses Theologicæ de Potestate Principis*, under the presidency of Dr Robert Howie, and with Drs. David Lyndsay, Peter Bruce, Henry Phillips, Theodore Hay, and John Strang among the debaters; and the other on the 14th July, on certain *Problemata Philosophica*, under the presidency of John Wemyss, Vice-Chancellor of the University, with Robert Baron, professor of Philosophy, for the principal speaker, and five others taking part in the discussion of these questions:—(1) "Whether "sole monarchical government is natural?" (2) "Whether rule by women and children is "lawful?" (3) "Whether man can know by "the light of nature that the world was "created by God?" (4) "Whether the rational "soul is hereditary?" There is a report of both Disputations in *The Muses Welcome*, where his Majesty's own intervention in the Theological Disputation in particular is chronicled in Latin to this effect:—"The King, "when any knot occurred worthy of his inter-"ference, interposed so learnedly and elo-"quently as to enrapture the whole audience, "large and learned as it was, to the highest "pitch of admiration."—Besides attending at the University Disputations, his Majesty signalised his interest in the University by ordering a ceremonial graduation of Doctors of Divinity. "The practice of conferring "degrees in divinity," says Irving in his notice of this incident in his *History of Scottish Poetry*, "had been discontinued in "the Scotish Universities, as too nearly allied "to Popery; but it was now revived by this "erudite monarch, who did not entertain the "same prejudice. His chaplain, Dr. Young, "created several doctors of divinity, among "whom were different individuals who rose "to higher distinction: particularly William "Forbes, afterwards Bishop of Edinburgh;

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of the parrocheis particularlie underwrittin, who servit not in the last cariage to Dunbar, mon be burdynnit with the lifting of this cariage, whilk wilbe the last charge that wilbe layed upoun thame during the tyme of his Majesteis aboade heir, and for the quhilk thay sall ressave present and reddy payment for thair horsse hyris: thairfoir ordanis letteris to be direct chargeing the baillies of the baroneyis and the con-

"David Lindsay, successively Bishop of "Brechin and Edinburgh; John Strang, "Principal of the University of Glasgow; and "Robert Howie, Principal of St. Mary's "College." Irving must be somewhat in error here, however, in the names given and in supposing that this was the first graduation of Doctors of Divinity in Scotland after the Reformation. See *ante*, vol. x. p. 588, *n*; where mention is made of a previous shock to Presbyterian sentiment by a graduation of Doctors of Divinity at St. Andrews in July 1616, and Mr. Robert Howie and Mr. John Strang appear as having then been promoted to the honour.—It was not only for purposes of civic and academic pomp that the King had come to St. Andrews. He had come also, as we learn from Calderwood and Spotswood, for very important ecclesiastical business. It had been arranged, just before the break-up of the recent Parliament in Edinburgh, that not only should there be a sitting of the Court of High Commission in St. Andrews during his Majesty's visit to that city, but there should be also a less formal gathering of the Bishops and chief clergy there, to be informed by his Majesty of certain intentions of his as to further changes in the system of the Scottish Church, and to advise him as to methods for the same. The following is a summary of the proceedings at St. Andrews, both in the Court of High Commission and in the more general clerical conference:—I. *Proceedings in the Court of High Commission.*—The chief business of the Court was the trial of the ringleaders in that Presbyterian "Protestation" of 55 parish ministers on the 27th of June last which had given such offence to his Majesty, because it had prevented at the last moment the introduction into Parliament of an Act, prepared by the Lords of the Articles, recognising the supreme right of the King, with advice of the Bishops and a competent number of the Clergy, to pass ecclesiastical laws. See the story in detail, *ante*, pp. 165–7, footnote. The particular ministers that had been selected as the most guilty of the 55 (for reasons explained in the footnote) were these: Mr. Peter Ewart, one of the ministers of Edinburgh, Mr. Archibald Simson, minister of Dalkeith, and Mr. David Calderwood, minister of Crailing; but Messrs John Hall, Patrick Galloway, William Struthers, and Andrew Ramsay, ministers of Edinburgh, had been also summoned as censurable. It was on the afternoon of the 12th of July that the trial of the accused began in the Court of High Commission, his Majesty having opened the Court before the accused were called, Calderwood informs us, with these words:—"We tooke *this* order with the Puritans in "England: they stoode out als long as they "were deprived onlie of their benefices, be-"caus they preached still on, and lived upon "the benevolence of the people affecting their "caus; but, when we deprived them of their "office, manie yeildit to us, and are now be-"come the best men we have. Let us take "the like course with the Puritanes heir." So instructed, the Court took up the cases of the culprits severally. In Calderwood's account of what was done on that and subsequent days, he naturally dwells most on his own case; and his account of his interviews with the Court, his defences of himself, and his arguments in reply to the interrogations of the King and to the interjected remarks of Archbishops Spotswood and Law and others, is especially interesting and lively, and, no doubt, most exact and truthful. Referring to Calderwood's own pages for this account (vii. pp. 261–271), we need here attend only to the results.—Calderwood himself (already sufficiently marked for his strenuous Presbyterianism, but from this moment shooting up into higher and almost solitary distinction on that account) was deprived of his ministerial charge, and committed to ward in the Tolbooth of St. Andrews; whence there was an order, on the 15th of July, for his removal to Edinburgh and his detention there till he should be sent into banishment. Mr. Peter Ewart and Mr. Archibald Simson were also deprived, and were committed to ward, the first in Dundee and the second in Aberdeen; while the remaining four of the above-named group, "having craved his Majesty's favour on their "knees, and declared that, if they had known "that his Majesty would have taken offence

stablis of the parrocheis particularlie underwrittin that thay and everyone of thame direct and caus the nomber of horsse underwrittin be directit and send to the pallice of Halyruidhous upoun the xvj day of Julij instant providit with all necessair provisioun and furnitour, suche as eirleddaris, carsaidlis, cordis, and towis, for drawing of his Majesteis awne cairtis and for careying of the same fra Haliruidhous to Brughtoun in

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"at them for their convening and subscriving the Protestation, they would not have done it," were dismissed with a kiss of his Majesty's hand.—II. *Proceedings in the Clerical Conference.*—This Conference began on Sunday the 13th of July, in the chapel of the Castle of St. Andrews. Besides the Archbishops and Bishops, there were present about 36 of the more important of the inferior clergy. Spotswood's account of what happened in it is far more full than Calderwood's. The King, according to Spotswood (pp. 533–534), addressed the little conclave in these words:—"Before my coming home to visit this kingdom, being advertised that in your last Assembly an Act was made for gathering the Acts of the Church and putting them in form [*ante*, vol. x. pp. 598–601, footnote], I desired a few Articles to be inserted. One was for the yearly commemoration of our Saviour his greatest blessings bestowed upon mankinde, as his Nativity, Passion, Resurrection, Ascension, and the Descent of the Holy Spirit; another for the private use of both Sacraments in urgent and necessary cases; a third for the reverent Administration of his Holy Supper; and a fourth for Catechising and Confirming young children by Bishops [see *ante*, forementioned footnote]. It was answered that these particulars had not been moved in any of the Church Assemblies, and so could not be inserted with the rest; which excuse I admitted, and was not minded to press them any more till you, after advice, did give consent thereto. Yet, when in the late Parliament I desired my Prerogative to be declared in the making of the Ecclesiastical Laws, certain of your number did mutinously assemble themselves and form a Protestation to cross my just desires. But I will pass that, among many other wrongs I have received at your hands. The errand for which I have now called you is to hear what your scruples are in those points, and the reasons, if any you have, why the same ought not to be admitted. I mean not to do anything against reason; and, on the other part, my demands being just and religious, you must not think that I will be refused or resisted. It is a power inated and a special prerogative which we that are Christian Kings have, to order and dispose of externall things in the policy of the Church as we by advice of our Bishops shall find most fitting; and, for your approving or disapproving, deceive not yourselves, I will never regard it, unless you bring me a reason which I cannot answer." Spotswood then relates what followed:—"The ministers, at these words, falling on their knees, did beseech his Majesty to think of them as his most humble and obedient subjects, and to permit them to confer a little space among themselves, that they might return with an uniforme answer. This granted, they went to the parish church, and after some two hours returned, making petition for a General Assembly, wherein these Articles being proposed might be with a common consent received. The King asking what assurance he might have of their consenting, they answered that they found no reason to the contrary, and knew the Assembly would yield to any reasonable thing demanded by his Majesty. 'But, if it fall out otherwise,' said the King, 'and that the Articles be refused, 'my difficulty will be greater; and, when 'I shall use my authority in establishing 'them, they shall call me a tyrant and 'persecutor.' All crying that none could be so mad as to speak so, 'Yet experience,' says the King, 'tells me it may be so: 'therefore, unless I be made sure, I will 'not give way to an Assembly.' Mr. Patrick Galloway saying that the Bishop of St. Andrews [*i.e.*, Spotswood himself] should answer for them, the Bishop refused, for that he had been deceived by them, they having against their promise in the time of Parliament taken the course which they did. Then said Mr. Patrick, 'If your 'Majesty will trust *me*, I will assure for 'the ministers.' The King replying that he would trust him, it was condescended that an Assembly should be called for that end at St. Andrews the 25th of November next."

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Twedaill:—that is to say, Johnne Bellenden, barone baillie of the baronie of Bruchtoun, to caus threttie horsse providit as said is be send oute of the said baronie to Haliruidhous the day foirsaid; Alexander Yule and Archibald Lawsoun, constablis for the parrochine of St. Cuthbertis, to send and caus the nomber of fourtie single horsse with the necessaris foirsaidis be send in to Haliruidhous the said day; Williame Archibald, constable in Libbertoun, Johnne Levingstoun and George Craig, constablis of Dudingstoun, everyone of thame within thair awne parrocheis to send and caus tuelff horsse providit as said is be send oute of the saidis parrocheis to the palice of Haliruidhous for lifting of his Majesteis cariadge and caryeing the same thairfra to Brughtoun: as alsua to command and charge the parrochynnaris and inhabitantis of the baroneyis and parrocheis foirsaidis to obey the saidis baillies and constablis anent the nomber of horsse that salbe prescrivit be the saidis baillies and constablis unto thame, and accordinglie to send the said nomber of horsse providit as said is to the palice of Haliruidhous the day abonewrittin, about the brek of day in the morning, for lifting of his Majesteis cariage and caryeing the same thairfra to Brughtoun in Tuedaill, under the pane of xx ℔. for everie horsse that salbe absent and warding of the awnaris of the said horsse for yeir and day; certifeeing thame that failyees that the saidis panes salbe inflictit upoun thame without favour."

Fol. 118, b.

Similar orders for the conveyance of the luggage from Broughton to Dumfries.

"Forsamekle as thair is a pairt of his Majesteis cariadge and houshold stuff yitt lyand at Haliruidhous that mon be transportit thairfra towardis Drumfreis with all convenient diligence, and directioun is gevin that the same salbe lifted at Halyruidhous be these of the schirefdome of Edinburgh upoun the xvj day of Julij instant and caryed thairfra to Brughtoun in Twedaill; and, whereas the schirefdome of Peblis is the nixt adjacent schirefdome that mon assist this service and carye the said cariage frome Brughtoun to Dumfreis, quhilk service will require l horsse or thairby: necessair it is that, according to the ordour tane in all otheris pairtis quhair his Majesteis progres and jornay lay, that the schireff and his deputeis of the said schirefdome and the justiceis of peace within the same schirefdome haif a speciall cair and regaird to see this service performit and his Majesteis cariadge dewlie and tymouslie dispatcheit, and the rather for that no thing is to be craved in this earand bot for reddie and thankfull payment: Thairfoir ordanis letteris to be direct to command and charge the schireff of Peblis and his deputis, and Sir Archibald Murray of Dernhall, knight, convenair of the justiceis of peace within the said schirefdome, that thay gif strait ordour, charge, and directioun throughout the said schirefdome that the nomber of l horsse, providit with all necessair furnitour for drawing of his Majesteis awne cairtis, be in reddynes at Brughtoun in Twedaill upoun the xvij day of Julij instant to lift his Majesteis cariage and carye the same thairfra to Drumfreis; and siclyke to command and charge the inhabitantis of the said schirefdome, be thair names in speciall as salbe requirit be the said

schireff and convenair of the justiceis of the peace, that thay and everyone of thame send suche nomber of horsse as salbe injoyned unto thame to Brughtoun upoun the [said xvij] day of Julij instant and thair to lift his Majesteis cariadge and [carye] the same thairfra to Drumfreis, under the pane of tuentie [pundis] for everie horsse that salbe absent and warding of the personis [disobey]ing for the space of yeir and day; certifeeing thame that [failyees] and dois in the contrair that the saidis panes salbe inflictit upoun thame and upliftit of thame with all rigour." Acta Mar. 1615–Aug. 1617.

Order anent the provision of lodgings for his Majesty's retinue in Glasgow, Hamilton, Sanquhar, and Dumfries.

"Forsamekle as Oliphen Donnaldsoun, his Majesteis harburgyer, and H . . . . ar directit to Glasgw, Hamiltoun, Sanquhair, and Dumfreis for [designn]ing and appointing of ludgeingis and stablis to the noblemen and otheris of his Majesteis tryne that come heir with his Majestie fro[me] England, quhairfoir necessair it is that the saidis harburgeris [be] obeyit and acknowledgeit in all and everie thing concerning [thair] office and charge: for whilk purpois the Lordis of Sec[reit] Counsall ordanis letteris to be direct to command and charge all and si[ndrie] of the inhabitantis within the saidis townis, awnaris and possessouris of ludgeingis and stabillis, be oppin proclamatioun at the mercatt croceis of the same, that thay and everyone of thame mak thair ludgeingis and stablis oppin and patent to the saidis harburgieris to be seene be thame, to the effect thay may accordinglie designne and appoint the same for the noblemen and otheris of his Majesteis tryne, and that nane of the saidis inhabitantis presoome to sett thair ludgeingis or stablis or to ressave ludgearis within the same quhill first his Majesteis tryne be ludgeit, and that the saidis inhabitantis prepair and provide thair ludgeingis and stablis for ressaveing of suche personis as salbe designit and appointit thairunto be the saidis harburgieris, and, accordinglie, that thay ressave thame conforme to the billettis to be directit unto thame be the saidis harburgieris, under the pane of warding of the personis dissobeying and forder punishment of thame in thair personis and goodis at the arbitrament of his Majesteis Counsell. And, yf ony persone or personis sall presoome to disobey the designatioun of the saidis harburgieris and sall refuise to mak thair duris oppin and patent or to ressave the personis billeted for thame, to command and charge the provestis and baillies of the saidis townis to concur and assist the saidis harburgieris in making of oppin duris and useing of his Majesteis keyis, and that the saidis provest and baillies apprehend the personis dissobeying and committ thame to warde and detene thame thairintill quhill forder ordour be tane for thair punishement, as the saidis provest and baillies will ansuer upoun the dewitie of thair office." Fol. 119, a.

Edinburgh, 15th July 1617. Commission to the Sheriff of Peebles to serve John Hay of Smithfield heir to his father.

Commission under the Signet, signed by the Chancellor, George Hay, Sir W. Oliphant, and Sir G. Murray, is given to the sheriff of Peblis and his deputes to serve Johne Hay, son of the late Alexander Hay, fiar of Smeithfield, heir to his said father of that half of the lands of Posso with pertinents lying within the sheriffdom of Peblis, as if he had attained his majority,—provided the royal rights be not diminished. Commissions. Fol. 32, a.

Commissions. Fol. 33, a.

Edinburgh, 15th July 1617. Commission to the Marquis of Huntly, the Earl of Argyle, and others, for the apprehension and trial of John Abroch Macdonald of Glencoe, and a number of other Highlanders, charged with the murder of Duncan and James Stewart.

Commission under the Signet, signed by the Chancellor, A. Elphinstoun, Carnegy, J. Cokburne, Sir A. Hammiltoun, and P. Rollok, is given to George, Marquis of Huntlie, Archibald, Earl of Ergyle, William, Earl of Tullibardin, George, Lord Gordoun, Sir Duncane Campbell of Glenurquhy, Sir Alexander Menzies of Weyme, Alexander Campbell of Lochinyell, and Sir Lauchlane M^cIntoshe of Dunnauchtane, to apprehend, by military force if necessary, and try Johne Abroch M^cDonald *alias* M^cEane of Glenco, Donald Bowie M^cEane V^cEane, Oig V^cEane Abroche M^cAucharterne, Allaster M^cEane Oig V^cEane Abriche in Laroche, Archibald M^cAllaster Roy V^cEane Abrich, tutor of Lagnoche, Donald M^cMartene V^cCleriche in Caroche, Johnne Dow M^cGillimeriche V^cEane Gronich in Ballechylis, Durrour Donald M^cEwne V^cDouchiesyr in Laroche, Ewne M^cDouchiesyr there, Gillieandreis Dow there, Duncane M^cEwne V^cDouchiesyre in Breklaid, Adewschie M^cDonell V^cDonchie there, Johnne M^cDoneill Fas there, M^cAngus Ger V^cAngus V^cEane in Tyfurtha, Duncane M^cGillimartene in Carneche, Donald Dow in Ture in the Inver, Donald Moir M^cGresche in Tombretherlik, Duncane M^cPhaill V^cDouchie Syre in Kilnacraig, Johne M^cFinla Oig V^cPhillop in Chranoche, David M^cGillandreis V^cHenrik in Beikintombie, Donald M^cEane Dowye M^cFinla there, Dourie M^cPhaill V^cFinla in Inderigane, Finla M^cEane Duy V^cFinlay there, Neill Dow M^cCraikane in Achonacone, Angus M^cGressiche there, Tulloche Obeg M^cGillichrist there, Donald Dow M^cAllane V^cEane Dowg in Laroche, Allaster Dow M^cEane V^cEan Oig, brother of Johnne Abroche of Grenco, Johnne Dow M^cAllane, Roy V^cEane Oig, Johnne Dow M^cAngus V^cGillespik, Johne Ger M^cAllaster, Roy V^cEane Abriche, Archibald M^cEane Oig V^cEane Abriche, Martene M^cCleriche, Donald M^cAllaster Roy V^cEane, Abriche Allester Oig M^cEane Abriche, son of the said Johnne Abroche of Glenco, Donald Bane M^cGillichreist V^cInewir, Donald Bane M^cFinla Dowie V^cGillandrishe, Johnne M^cDonchie V^cGillimartene, Johnne M^cEane V^cGillipatrik V^cCrellane, M^cDoneill V^cAngus V^cIndowhowlich, Donald M^cAllan Roy V^cEane Abriche, Johnne Roy M^cDouill Ovir, Johne M^cEane V^cDouill Ovir, Donald M^cEwne Dowie V^cEwne M^cLauchlane, Johne M^cTerlich Roy V^cEane Abrich, Duncane M^cTrounpeith Angus M^cDouill Dowie Intar, Johnne M^cOldouche Ley, Donald Roy M^cGillichreis *alias* M^cCulloche Obeg, Duncane M^cDonchie V^cCrankane in , M^cCrark, his son, Johnne M^cAngus V^cJorrie,

Donochassoch, servitor to Archibald M^cEane Oig M^cEane Abriche, Archibald M^cAllane V^cAne Dowie, and Johne Dow M^cAllane V^cEane, his brother, who remain unrelaxed from hornings of 3rd and 7th June last, at the instance of Cristeane Stewart, relict, Duncane Stewart in Auchnagay, Johne Roy Stewart, Issobell, Margaret, and Jonet Stewart, children, Marioun Stewart, sister, Dougall Stewart, brother's son, Allane Stewart, brother's son, and other friends of the late Duncan Stewart, and the friends of the late James Stewart, his brother, for not having found caution for their appearance before the Justice to have answered the charge of having murdered the said persons.

Edinburgh, 17th July 1617.

Sederunt—Chancellor; Argyill; Lotheane; Binning; Lord Gordoun; Carnegye; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsaythe; Ridhous; Medop; Currihill; M^r^ Peter Rollok. Acta Mar. 1615–Aug. 1617. Fol. 119, a.

Order anent a feud between Edmonston of Wowmatt and Crichton of Cargane.

"Forsamekle as it is understand to the Lordis of Secreit Counsell that thair is ane deidlie feade and inimitie standing betuin Edmestoun of Wowmatt, on the ane pairt, and Thomas Creichtoun of Cargane, on the other pairt, wherupoun some inconvenientis ar lyke to fall oute to the brek of his Majesteis peace, without remeid be providit: thairfoir ordanis letteris to be direct chargeing the said pairtyis to compeir personalie befoir the saidis Lordis upoun the &c. day of &c., to underly suche ordour as salbe tane with thame for the peace of the cuntrey and sattling of the feade and quarrel betuix thame, under the pane of rebellioun, &c., with certificatioun &c." Fol. 119, b.

Order anent horses and carts for the conveyance of his Majesty's luggage from Glasgow to Hamilton and thence to Sanquhar.

"Forsamekle as the commissionaris and justiceis of peace within the schirefdome of Lanerk, according to the directioun of the Lordis of Secreit Counsell send unto thame, hes tane particulair notice quhat nomber of cairtis and horsse for cariadge may be had within the said schirefdome for lifting of his Majesteis cariage at Glasgw and caryeing the same thairfra to Hamiltoun and frome that to Sanquhair, and thay have prescryvit and sett doun the ordour following thairanent;—to witt, thay have ordanit that his Majesteis cariadge salbe lifted at Glasgw and careyed thairfra to Hamiltoun upoun Mononday the 28 day of Julij instant be the parrochynneris of the parrocheis particularlie underwrittin, who ar ordanit to send oute the nomber of cairtis and horsse following for that effect, and every cairt to haif three horsse: that is to say, the regalitie of Glasgu and parrochin of Calder, lxxij cairtis; the toun of Glasgw, lx cairtis; the parrochine of Monkland, quhair Mathew Newlandis in Kippis is nominat constable, threttie cairtis and ten horsse; the parrochine of Cambuslayng, quhair Andro Hamiltoun is nominat constabill, tuelff cairtis and foure horsse, the parrochine of Carmannok, quhair Andro Thomesoun is constable, xij cairtis and foure horsse; the burgh of Rutherglen, sax cairtis and xviij horsse; the oute parrochine of Rutherglen, quhair Andro Lindsay is constable, four cairtis and xij horsse: and siclyke thay have ordanit that the said cariadge salbe lifted at Hamiltoun upoun Thurisday the last day of Julij instant and careyed thairfra to Sanquhair be the parrochynnaris of the parrocheis particularlie underwrittin, quho ar ordanit to send oute the nomber of cairtis and horsse following for lifting of the [cariadge], and everie cairt to have thrie horsse: that is to say, the parrochine of Bothuill, quhair Johnne Jardane is constable, threttie cai[rtis and] ten horsse; the parrochine of Dalyell, quhair Robert Dalyell is [constable], sax cairtis and tua horsse; the parrochine of Cambusnethane, [quhair] Johnne Selkirk and Williame Dalyell ar constablis, nyne cairtis and . . . horsse; the parrochine of Dalsairff, quhair James Hamiltoun in . . . oun is constable, sax cairtis

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and tua horsse; the parrochine of [? Stane] house, quhair Robert Rowatt is constable, sax cairtis and tua horsse; the parrochine of Strahavin, quhair is co[nstable], xxiiij cairtis and aucht horsse; the parrochynnis of Kilbryde . . . furde, quhair Johnne Lindsay and Umphra Mairshaell ar constablis, . . . cairtis and ten horsse; the parrochine of Blantyre, quhair Joh[nne] Youngair is constable, sax cairtis and tua

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horsse; the parrochine of Hamiltoun, quhair Johnne Hamiltoun in Garscallane and Patrik Hamiltoun ar constablis, fyfteene cairtis and fyve horsse; the parrochine of C[arluk], quhair David Weir is constable, auchteene cairtis and sax horsse; the burgh of Lanerk, sax cairtis; the oute parrochine of Lanerk, quhair &c., is constable, three cairtis and xj horsse; the parrochynnis of Carnweth, Quotquon, and Libbertoun, quhair Walter Broun and Hew Patersoun ar constablis, fyfteene cairtis and lv horsse; the parrochine of Dunsyre, quhair Williame and James Baillies ar constablis, three cairtis xj horsse; the parrochine of Wolstoun, quhair Johnne Quhyte is constable, ane cairt sevin horsse; the parrochine of Dolphingtoun, quhair Andro Broun is constable, ane cairt sevin horsse; the parrochynnis of Biggar and Thankertoun, quhair Johnne Fleming is constable, foure cairtis xv horsse; the parrochine of Coulter, quhair Williame Lindsay is constable, three cairtis xj horsse; the parrochine of Covintoun, quhair James Lindsay in Worflatt is constable, three cairtis xj horsse; the parrochine of Lamingtoun, quhair Eduard Lindsay and Williame Baillie ar constablis, three cairtis xj horsse; the parrochine of Pittenane, quhair Thomas Lindsay is constable, three cairtis xj horsse; the parrochine of Symontoun, quhair Johnne Mure of Annastoun is constable, three cairtis xj horsse; the parrochine of Wistoun, quhair Williame Carmichaell is constable, three cairtis xj horsse; the parrochine of Robertoun, quhair William Inglis is constable, three cairtis xj horsse; the parrochine of Craufurde Johnne, quhair William M^{c}Caull is constable, fyve cairtis xv horsse; the parrochine of Craufurde Lindsay, quhair Johnne Tinto and M^{r} Johnne Lindsay ar constablis, xv cairtis lv horsse; the parrochynnis of Douglas and Carmichaell, quhair William Inglis and Johnne Hadnye ar constablis, xv cairtis lv horsse; the parrochine of Lesemahago, quhair James Hamiltoun and Johnne Weir in Stokbriggis ar constablis, 38 cairtis; and the parrochine of Wandaill *alias* Hairtsyde, three cairtis xj horsse:—as in the act of the saidis justiceis of peace at lenth is contenit: Thairfoir the Lordis of Secreit Counsaill ordanis letteris to be direct chargeing the constablis of the parrocheis particularlie abonewrittin, the parrochynnaris and inhabitantis of the saidis parrocheis, and all otheris whome this service concernis, that thay direct and send, and caus the nomber of cairtis and horsse for cariadge, sufficientlie providit with all necessair furnitour, be directit and send, to Glasgu and Hamiltoun the dayis *respective* foirsaidis about the brek of day for lifting and caryeing of his Majesteis cariage in maner abonewrittin, under the pane of 20 li. for everie horsse that salbe absent and warding of the dissobeyaris for yeir and day; certifeeing thame that failyees that thay salbe punist in maner foirsaid."

Similar order anent the conveyance of the luggage from Sanquhar to Drumlanrig, thence to Lincluden, and thence to Carlisle.

"Forsamekle as the steuart of Kirkcudbrycht and his deputis, according to the directioun of the Lordis of Secreit Counsell, hes tane notice of the particulair parrocheis of the said steuartrie ewest to the burgh of Drumfreis, and quhat nomber of horsse thay ar able to furnishe for lifting of his Majesteis cariage frome the Sanquhair to Drumlangrig and thairfra to Lynclowden and frome that to Carlile: viz., the parrochine of Troqueir, quhair James Patiner of Bilbo is nominat constable, xxx horsse; the parrochine of Newabbay, quhair Johne Broun of Lochhill and Johnne Turnour of Airdnall ar nominat constablis, xxx horsse; the parrochine of Kirkbeane, quhair James Maxwell of Airdrie and Lancie Murray ar nominat constablis, xxiiij horsse; the parrochine of Southik, quhair James Lindsay of Wauchop and James Lindsay of Fairgirthe ar nominat constablis, xij horsse; the parrochine of Culven, quhair James Lindsay of Fairgirth, eldair, is nominat constable, xij horsse; the parrochine of Ur, quhair Johnne Morisoun of Ardinghame and James Redik of Grange ar nominat constablis, xxx horsse; the parrochine of Kirkpatrik of the Mure, quhair Robert Maxuell of Aikland and Thomas Maxuell of Aryning ar nominat constablis, xx horsse; the parrochine of Kirkgunyeane, quhair Johnne Maxuell of Barsill is nominat constable, xxx horsse; the parrochine of Loichrutoun, quhair Robert Hereis of Loustoun is nominat constable, xxx horsse; the parrochine of Terreglis, quhair Johnne Maxwell of Barsill is nominat constable, xxx horsse; the parrochine of Kirkpatrik Nigra, quhair Johnne Charterhous of Barncleuch and Williame Welshe of Star ar nominat constablis, xxx horsse; as ane note maid and sett doun be the said steuart and his deputis to this effect at lenth bearis: Thairfoir the Lordis of Secreit Counsaill ordanis letteris to be direct chargeing the parrochynnaris and constablis of the saidis parrochynnis to direct and send, and caus the nomber of horsse abonewrittin, sufficientlie providit witha ll furnitour for beareing of cariadge, be send, to the Sanquhair upoun Fryday the first day of August nixttocome be brek of day, and thair to lift his Majesteis cariadge and to carye the same fordwart towardis Carlile as thay salbe directit be the maister of his Majesteis cariadge, under the pane of xx ℔. for everie horsse that salbe absent, and warding of the dissobeyaris for the space of yeir and day." Acta Mar. 1615–Aug. 1617. Fol. 120, b.

Compearance of Sir Rory MacLeod of Harris, the Captain of Clanranald, MacKennon of Strathordell, MacLean of Coll, and MacLean of Lochbuy, before the Council.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personallie the personis particularlie underwrittin and exhibite befoir the saidis Lordis the personis following, for obedyence and satisfactioun of the act quhairby thay ar bundin and oblist to that effect: viz., Sir Rory M^cCleud of Hereis exhibite Allaster M^cCleude, his bruther; Sir Donald M^cAllane M^cEane of Ilantyrum, Capitane of the Clanronald, exhibite Allaster M^cEan Oig; Sir Lauchlane M Kynnoun of Strathurdill exhibite Johnne M^cKynnoun, his uncle; M^cClayne of Coill exhibite M^cClayne, his sone. And siclyke compeirit personalie M^cClayne of Lochbuy, and declairit that the personis whome he was oblist to exhibite wer visite with seiknes, sua that thay could not come heir at this Isles, page 230.

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tyme. Inrespect quhairof, and seeing the said Laird of Lochbuy has ever bene knawne to be ansuerable and lawbyding subject, the saidis Lordis excuisis the not entree and exhibitioun of his men for this present yeir."

Band for Sir Donald Gorme of Sleat, pledging him to good rule in his domains, yearly appearance before the Council, and the performance of his other obligations, as by previous acts.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Sir Donald Gorme of Slailtt, as principall, and Sir Donald M^cAllane M^cEane of Ilantyrum, Capitane of the Clanrannald, and Johne Steuart of Ardishill, as cautionaris and souirteis for him, and became actit and oblist, conjunctlie and severalie, that the said Sir Donald Gorme, for him selff and takand the burding on him for all suche personis as he is oblist to ansuer for be the lawis of this kingdome, sall observe oure Soverane Lordis peace, keepe goode reule and quietnes in the cuntrey, and sall behave thame selffis as laughfull, ansuerable, and lawbyding subjectis; and that the said Sir Donald Gorme dureing the terme of his naturall lyffe sall anes everie yeir, upoun the tent day of Julij yeirlie, yf it be laughfull, and failyeeing thairof the nixt laughfull day thairefter following, compeir personalie befoir the Lordis of Secreit Counsaill; and forder that he sall compeir personalie befoir the saidis Lordis sa oft thairefter as he salbe chargeit to that effect upoun threescoir dayis warning and ansuer to suche thingis as salbe layed to his charge. As alsua that he sall bring, present, and exhibite with him befoir the saidis Lordis upoun the said tent day of Julij nixttocome, yf it be lauchfull and failyeeing thairof the nixt laughfull day thairefter following, the personis particularlie underwrittin gevin up be him in presence of the saidis Lordis to be the cheif and principall personis of his clann: to witt, Allaster M^cDoneill, bruther to umquhile Donald Gorme of Slaitt, Donald M^cGromich M^cJames, Donald M^cEan M^cJames, brother sone to the said Donald Gromiche, Allaster M^cHucheoun V^cGillespek, Gillespik M^cEanduy, Johnne M^cAllaster M^cWaughter, and Allaster M^cRonnald Coilbough, or ony three of thame; and that yeirlie thairefter, upoun the tent day of Julij yf it be laughfull, and failyeeing thair of the nixt laughfull day thairefter following, the said Sir Donald sall exhibite other three of his kynnismen and freindis abonewrittin, and accordinglie thairefter sall yeirlie exhibite three of thame be turnis, to the effect that by their comeing heir yeirlie thay may be reduceit to civilitie and maid to acknowledge thair obedyence to his Majestie and his lawis. And that the said Sir Donald sall not keepe in housholde with him ony ma gentlemen nor sax; and that for everie tua gentlemen he sall keepe bot ane boy; that the said Sir Donald sall purge his cuntrey of sornaris and idill men wanting a trade, calling, and lauchfull industrie; that the said Sir Donald sall not beare nor weare hacquebutis nor pistollettis bot in the Kingis service, and that he sall tak the lyke ordour and directioun that nane of his tennentis and servandis or cuntrey people, exceptand alwayes him selff and the sax gentlemen of his housholde servandis, sall weare swerdis or any other waponis or armour within the Ilis; that the said Sir Donald sall mak his residence and duelling at Duntillun, and, yf he hes not a sufficient comelie house ansuerable to his estate alreddy thair,

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that he sall with all convenient diligence prepair materiallis and caus build ane civile and comelie house, and, yf his house be decayit, that he sall repair and mend the same; that he sall mak policie and planting about his house; that he sall tak a maynes in labouring in his awne hand and labour the same with his awne goodis, to the effect he may thairby be exercised and eshew ydilnes; and that at Martymes nixt he sall sett the rest of his landis to tennentis for a certane constant and cleir dewytie, and that he sall exact no more frome his tennentis bot the cleir dewitie contenit in thair tak, and in speciall that in all tyme comeing he sall forbeare the taking of cowdighis and presentis frome his tennentis and sall content him selff with the constant and cleir dewitie for the quhilk his landis ar sett; that he sall not haif nor keepe ony ma birlingis of xvj or xviij airis bot ane, and, when he travellis athorte the Ilis with his birling and comes on land, that he nor nane of his companie shall not sorne upoun the cuntrey; that he shall send his bairnis, yf he ony hes, being past the aige of nyne yeiris, to the scoollis in the Lawland, to the effect that thay may be instructit and trayned up to write and reid and to speake Inglishe. And the said Sir Donald is content and consentis that, according to the act of Counsell maid to this effect, nane salbe servit air unto him nor ressavit and acknowlegeit as tennentis to his Majestie unles thay can write and reid and speake Inglishe; and last that he sall not rine nor drink nor suffer to be rwne nor druckine in his house ony mo wynes nor be this present act is allowit unto him,—viz., foure twnis of wyne,—and that he sall tak a strait ordour through his boundis that nane of his cuntrey people and tennentis sall drink ony wynes.—[All] under the pane of aucht thousand pundis *toties quoties*, incaise he failyee in ony point of the premisis. And the said Sir Donald Gorme oblist him and his airis to warrand and releve his saidis cautionaris of thair becomeing cautioun for the premisis, and of all pane, skaithe, and dangeir that thay salhappin to sustene thairthrou." (Cf. *ante*, vol. x. pp. 778–80 and p. 73 of this volume.)

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Charge to Sir Donald Gorme, MacLeod of Harris, the Captain of Clanranald, MacKinnon of Strathordell, and the Lairds of Coll and Lochbuy.

"The Lordis of Secreit Counsaill ordanis and commandis Sir Donald Gorme of Slaitt, Sir Rorye M^cCleud of Hereis, Sir Donald M^cAllane V^cEane of Ilantyrum, Capitane of the Clanrannald, Sir Lauchlane M^cKynnoun, and the lairdis of Coill and Lochbuye, who wer all personalie present, to bring, present, and exhibit befoir the saidis Lordis, upoun the tent day of Julij nixttocome yf it be lauchfull, and failyeeing thairof the next lauchfull day thairefter following, the full nomber of personis that thay ar oblist to enter and exhibite be verteu of thair actis of cautioun, under the pane of double of the soumes contenit in the saidis actis."

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Edinburgh, 17th July 1617.

[Sederunt as recorded above.]

Decreta Jan.–Nov. 1617. Fol. 90, a.

Caption against Robert Leightoun for

Complaint by Sir Petir Young of Seytoun, knight, his Majesty's "Maister Almosar," that Robert Lichtoun of Ullisheavin remains

Decreta Jan.–Nov. 1617.

unrelaxed from a horning of 9th May last for not paying 5000 merks of principal and £500 of expenses.—Pursuer appearing by Mr Thomas Young, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

debt to Sir Peter Young.

Fol. 90, b.

Complaint by Johnne Sandielandis, indweller in Kelso, as follows:—On 1st August 1616, while pursuer was at the market held at the Weirhill of Melrois, "useing his lauchfull trade of merchandice and selling of viveris, according to his accustomat maner thir twenty yeiris bipast," Waltir Cheisholme of that Ilk, James Cheisholme, his son, James Nicoll in Melros, James Edyer, messenger there, Robert Wallace there, and others, went up to pursuer and insolently destroyed "tua barrellis full of aill, with quheit breid and utheris viveris." Moreover, without regard to the fact that he was "ane criple frome his birth not able to stand upoun his feit without stiltis," they "strak and dang him doun undir thair feit, and brusit him with thair handis and feit, quhairby he hes nevir bene weill of body sensyne." During the time of the assault "thair wes stolling frome him ane pack of wollin claith." Although pursuer "hes repairit to Waltir, Lord Bugcleuch, bailyie principall of Melros, and to his deputis, and socht reparatioun of the wrangis foirsaid, and that he hes maid sevinteine veyageis betuix Kelso, Branxhome, and Edinburgh for this effect, yit he can git na redres."—Pursuer appearing personally, and defenders being also present, the Lords find that no process ought to be granted against Waltir Cheisholme, because, on pursuer's own declaration, he was not at the market at the time libelled. The Lords also assoilzie the other defenders, viz., James Nicoll, Robert Wallace, and James Edyer, because of the failure of proof.

John Sandilands in Kelso against the Laird of Chisholm and others for assault and violence: defenders assoilzied.

Fol. 91, a.

This day appeared Mr Williame Leith of Newlandis, for himself, and Johnne Leith of Harthill, his father, Johne Leith, apparent of Harthill, Patrik Leith, his brother, Helene, Bessie, and Jeane Leith, his sisters, Johnne Seatoun of Achorteis and James Ogilbie, spouses of the said Helen and Bessie, and George Leith, only child of the late Mr George Leith, sometime portioner of Bonytoun, brother of the said Mr William, and other friends, on the one part, and George Leslie of Auldcraig for himself and his friends, on the other part, and submitted to the Council the feud between them on account of the slaughter of the said Mr George Leith. Both parties having bound themselves to underlie the decision without appeal, the Lords, being loath to weary the parties with long and unnecessary attendance, give the following decreet:—"The saidis Lordis haveing consideratioun of the grite trouble that the said George Leslie hes sustenit and undirlyne thir divers yeiris bigane upoun occasioun of the said slauchter, so that he is not able to gif suche assythment and satisfactioun in geir for the said slauchter as is requisite, thairfore the saidis Lordis decernis and ordanis the said George Leslie to mak payment to the said Mr William Leith, and his airis, executoris, and assignais, or ony haveing pouer frome him,

Decreet-arbitral by the Council in the matter of the feud between the Leiths of Harthill and the Leslies of Auldcraig on account of the slaughter of Mr. George Leith.

Fol. 91, b.

for him self and in name and behalf of his said fader, brether, and susteris, brother sone, and otheris freindis foirsaidis, the sowme of thrie thowsand fyve hundreth merkis usuall money of this kingdome in full assythment and satisfactioun of the slauchter foirsaid, within aucht dayis aftir the feist and terme of Witsonday nixttocome in the yeir of God j^m vj^c and auchtene yeiris; and to pay the said sowme within the burgh of Abirdene within the dwelling house of Williame Lindsay thair: with this speciall provisioun and conditioun,—that, gif the said George Leslie sall mak payment to the said M^r William Leith and to his foirsaidis of the sowme of twa thowsand fyve hundreth merkis preceislie upoun Witsoun evin nixttocum, that then and in that case he salbe frie of payment of the said sowme of thrie thowsand and fyve hundreth merkis." For security of this payment the said George is to give to M^r William a band signed by himself, as principal, and by Johnne Leslie of Balquhane and Johnne Leslie of Pitcaple, as cautioners, to be subscribed in the burgh of Aberdeen before any three of the magistrates or two of the bailies and the clerk of the burgh. And, if any part of the above sum shall be modified by the ordinary Courts in favour of the relict of M^r George, the Lords order the said M^r William to pay the same. The Lords ordain the said M^r William and his foresaid friends to accept the said sum in full satisfaction, to give the said George such form of letter of slanes as shall be presented to him marked by the Clerk of Council, and to get the said letter subscribed by Johnne Leith of Harthill, Johnne Leith, apparent of Harthill, Patrik and M^r William Leith, Helene, Bessie, and Johnne Leith, Johnne Seatoun of Achorties, and James Ogilbie, and George Leith, son of deceased, within the burgh of Abirdene in manner as above. Further, they order the said M^r William Leith and George Leslie to appear before them on the first Council day in October next, and to produce the obligation and letter of slanes, to the effect they may be interchanged. The Lords, moreover, decern both parties to forgive and discharge all rancour and malice borne by any of them, and to keep the King's peace "in forme and maner as gif the said slauchter had nevir fallin out." Decreta Jan. Nov. 1617. Fol. 92, a.

David Bigholme against Archibald Marshall for assault.

Complaint by David Bigholme in Banchrie, as follows:—Archibald Merschell in Ava, who had conceived a deadly hatred against pursuer, went on to his house in Banchrie by way of hamesuckin, attacked him within his "awne cloise" with a drawn sword and quhingers, and wounded him on the left hand. Pursuer, "for eschewing of forder skaith," shut himself within his house; but the said Archibald assaulted the same, broke up the "stanschillis" of his window, and used every endeavour to enter. He was, however, stayed by James Riddoche of Cambes, sheriff-depute of Clakmannane, who happened to be present.—Pursuer appearing personally, and defender being also present, the Lords assoilzie defender, because the pursuer has failed to prove the charges. Fol. 92, b. Fol. 93, a.

John Scobie (Stobie?),

Complaint by Johne Scobie (Stobie ?), one of the sheriff-officers of Clak-

Decreta Jan.–Nov. 1617.

mannane, as follows:—Pursuer was directed to poind the readiest goods of David Bigholme in Banchrie, who was in debt to Andro M^{c}Beane in Cambus Mill. On 21st May he poinded a young "quoy," and, having "comprisit" it at £6, offered it to the said David. On his refusal, he took the animal with him towards Clakmannane. Whereupon the said David "raised William Bigholme, his sone, oute of his bed, furnist him with a swerd, commandit him to follow the said complenair, and to misuse him." The son, having overtaken him, prepared to assault him, but, finding that pursuer was ready to defend himself to advantage, cruelly "hocht the pwre beist with his swerd" and so deforced him in the execution of his duty.—Pursuer and the said David appearing personally, and the said Williame not appearing, the Lords find the complaint against the said Williame proven, and order the officers to charge him to enter his person within the Tolbooth of Edinburgh within 6 days. They assoilzie his father, because the charge is not proven in his case.

sheriff-officer in Clackmannan, against David Bigholme and his son for deforcement.

Fol. 93, b.

Complaint by Sir Williame Cokburne of Langtoun, knight, as follows:—"The schireff courtis of the schirefdome of Beruik wer commounlie haldin of auld within the toun of Langtoun, as the most commodious place of the haill schirefdome for the ease of his Majesteis leigeis, alsweill in regard that the said toun standis almost in the midis of the said schirefdome, quhairunto the inhabitantis of the said schirefdome had the moir easie and neir accesse, as for that the interteynment for men and horsse within that toun wes bothe best and at most moderate and reasounable prices, and his Majesteis subjectis fand suche contentment in that toun quhen the occasioun of thair adois drew thame thair as thay wald nevir haif wished ane alteratioun nor change of the place for that judicatorie. Notwithstanding, of laite, within thir few yeiris, in the tyme of the said complenairis minoritie, whenas the Laird of Cumledge wes preferrit to be schiref depute of that schirefdome, he, at his awne hand, without ony lauchfull warrand, pouer, or auctoritie, and without the advise and consent of the inhabitantis of the schirefdome, alterit and changet the place of halding of the saidis courtis fra Langtoun to the toun of Duns, becaus his dwelling and residence wes moir ewest be that toun nor to Langtoun; and during the haill tyme that he continewit in that office he held his courtis at Duns, and altogidder misknew the toun of Langtoun. Lyke as Alexander Home of Rentoun, now schireff principall of the said schirefdome, continewis the halding of the saidis courtis at the toun of Duns, not for that it is the most commodious place in the schirefdome, bot becaus he fand the courtis to be haldin thair be the Laird of Cumledge, his predicessour. And he is some moir respective and scrupulus nor his predicessoure wes, for he will not presome to restore the toun of Langtoun to the antient possessioun of holding of the saidis courtis thair without the warrand and allowance of the Lordis of Secrite Counsaill."—Both parties appearing, the Lords assoilzie Alex. Home of Rentoun, and Robert Cokburne, his depute, "becaus the schiref courtis of the said schirefdome hes bene thir divers

Complaint by Sir William Cockburn of Langton in Berwickshire as to the holding of the sheriff-courts for that shire of late years in Duns, instead of in Langton as formerly: decision in favour of Duns.

Fol. 94, a.

yeiris bigane haldin in the said toun of Duns without ony kynd of questioun and contraventioun, sa fer as the saidis Lordis understandis, and nane of the inhabitantis of the said schirefdome did at ony tyme complene that the place wes incommodious for holding of the saidis courtis." Decreta Jan.-Nov. 1617.

Commission to Riddell of that Ilk and others for the trial of William Elliot and others for sheep-stealing.

Commission under the Signet, signed by the Chancellor, Argyle, George Hay, R. Cokburne, and Sir G. Murray, is given to Andro Riddell of that Ilk, Johnne Riddell, his son and heir, and Johnne Mow of that Ilk, to try William Ellot, called of Cowshaw, Archie Ellot, his eldest son, Hob Ellot and Crosair, his servants, at present in the Tolbooth of Jedburgh, for the theft of a number of sheep. Commissions. Fol. 32, b.

Allan Mac Eanduy.

"Charge aganis Allane M°Eanduy and his sone." Sederunts. Fol. 12, b.

Edinburgh, 22nd July 1617.[1]

Sederunt—Chancellor; Master of Elphinstoun; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Ridhous; Medop; Currihill; M^r^ Peter Rollok. Acta Mar. 1615–Aug. 1617. Fol. 120, b.

Order anent horses for the conveyance of

"Forsamekle as the justiceis of peace within the Steuartrie of Annanderdaill hes reportit unto the Lordis of Secreit Counsell ane note Fol. 121, a.

[1] His Majesty, after having spent about a week in St. Andrews, had gone back to Stirling on the 18th of July, and had remained there or in the neighbourhood three days. The chief incident of this second visit to Stirling was the reception, on Saturday 19th July, of a deputation from the University of Edinburgh, with the hearing of a Latin disputation by members of this deputation, which his Majesty's engagements had prevented him from hearing in Edinburgh itself. The account of this affair in *The Muses Welcome* occupies fourteen pages, and includes a list of the philosophical theses disputed and copies of the Latin speeches with which some of the disputants prefaced their argumentations. The account given in *Dalzel's History of the University of Edinburgh* (ii. 64–70) is, however, sufficiently exact and comprehensive, and includes additional particulars. It is as follows:—"At the time appointed the "Professors repaired to Stirling Castle, and "there, in the Chapel Royal, about five "o'clock in the evening, in the presence of "the King and many of the nobility and "learned men of both kingdoms, commenced "a disputation which lasted for three hours. "Nothing could have been more agreeable "to the King's taste than such a pedantic "exhibition. He not only sat with great "patience during the whole time, but was "highly delighted with the performance. "Mr. Henry Charteris, Principal of the "College, being a man of great modesty, "though of profound learning, was averse to "taking any share in the debate on such a "public occasion. He therefore prevailed "with Mr. John Adamson, who had formerly been one of the professors of "Philosophy, but was then minister of "Liberton [he was afterwards Editor of the "volume of *The Muses Welcome*], to preside "in his place. Mr. James Fairly, one of the "Regents, was pitched upon to draw up and "defend the theses; Mr. Patrick Sands, "formerly a Regent, Mr. Andrew Young, "Mr. James Reid, and Mr. William King, "at that time the remaining three Regents "or professors of Philosophy, were appointed "to impugn. . . . . The topics selected from "the rest were such as, it was judged, would "be most acceptable to the King and the "rest of the audience. The first thing "insisted on was, *That Sheriffs and other "inferior Magistrates ought not to be heredi-"tary*. This was opposed by Mr. Sands with "many apposite arguments; to which, however, such satisfactory answers were given "that the King, though he himself had for "some time supported Mr. Sands, while the "defender still directed all the answers to the "latter, was so well pleased that, turning to "the Marquis of Hamilton, heritable Sheriff "of Clydesdale, who was standing behind "his chair: 'James,' said he, 'you see your "cause is lost, and all that can be said for it "distinctly answered and refuted.' The "next topic insisted on was the nature of

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contening the nomber of horsse that everie parroche within the said Steuartrie ar able to furneis for lifting of his Majesteis cariadge and careying of the same to Carlile:—that is to say, the parrochine of Wamphra, quhair Williame Johnnestoun in Arkieknow is constable, xxiiij horsse; the parrochine of Johnnestoun, quhair Williame Thorbrand is nominat constable, xxx horsse; the parrochine of Lochmaben, quhair Mathew Wilsoun in Gretnehill, Williame Maxwell in Lochmaben, and Thomas Wrycht in Rakell (?) ar constablis, xl horsse; the parrochine of Mouswall, quhair Harbert Diksoun is constable, xij horsse; the parrochine of Meckle and Litill Daltonis, quhair George Rae and Richard Nicolsoun ar nominat constablis, xvj horsse; the parrochine of Ribell, his Majesty's luggage from Annan to Carlisle.

"*Local Motion;* which Mr. Young illustrated "by many arguments from the text of "Aristotle. Upon which the King, address- "ing himself to certain English Doctors who "attended him, observed that these men "were as well acquainted with the meaning "of Aristotle as he was himself while alive. "Mr. Reid disputed next upon the *Origin of* "*Fountains;* and the King was so much enter- "tained with the last argument which was "used that he desired to hear more upon the "subject, even after the three quarters of an "hour, the time allotted, were elapsed. The "King himself occasionally interfered in the "debate, sometimes joining the impugner "and sometimes the defender, expressing "himself in elegant Latin, and showing great "acquaintance with the *arcana of* Philosophy. "Mr. King, in the last place, held a dissertation *de Spontaneo et Invito.* Upon which "subject, as well as on all the rest, the King "himself took notice of every argument and "answer with much intelligence and in "good expression. When the Disputation "was concluded, his Majesty went to supper, "and, after a little time, commanded the "Professors to be introduced, and conversed "with them in a very learned manner on "all the subjects which had been handled in "the Disputation. His Majesty then con- "descended to indulge in pleasant allusions "to the names of the actors, thus exercising "a humble species of witticism altogether "inconsistent with the principles of good "taste:—'Methinks,' said he, 'these gentle- "men by their very names have been des- "tined for the part which they have per- "formed to-day. *Adam* was the first father "of all, and therefore very fitly *Adamson* "had the first part in this Act. The defender "is justly called *Fairly:* his theses had some "*ferlies* [wonders]; and he sustained them "very *fairly,* and with many *fair lies* given "to his opponents. And why should not "Mr. *Sands* be the first to enter the *sands* "[*arena*]? But now I clearly see that all "*sands* are not barren, for certainly he hath "shown a *fertile* wit. Mr. *Young* is very "*old* in Aristotle; and Mr. *Reid* need not be "*red* [pronounced *reid* in Scotch] with blush- "ing for his manner of acting to-day. Mr. "*King* disputed very *kingly,* and of a *kingly* "purpose, concerning the royal supremacy "of reason over anger and all passions.'—'I "am so well satisfied,' continued his Majesty, "'with this day's exercise that I will be god- "father to the College of Edinburgh, and "have it called THE COLLEGE OF KING "JAMES; for, after the foundation of it had "been stopped for several years in my "minority, as soon as I came to any know- "ledge, I zealously held hand to it, and caused "it to be established. And, although many "look upon it with an evil eye, yet I will "have them to know that, having given it "this name, I have espoused its quarrel.'— "One of the attendants hinted to his "Majesty that there was one of the company "of whom he had taken no notice,—Mr. "Henry Charteris, Principal of the College, "who sat during the Disputation on the "President's right hand, and who was a man "of profound and universal learning, though "not forward to speak in so august an "assembly. 'Well,' said his Majesty, 'his "name agreeth very well with his nature; "for *charters* contain much matter, yet say "nothing, but put great purposes in men's "mouths.' . . . One of the English doctors "having expressed a wonder at the King's "fluency and elegance in the speaking of "Latin, 'All the world,' said his Majesty, "'knew that my preceptor, George Buchanan, "was a great master in that faculty: I "follow his pronunciation both of the Latin "and Greek, and am sorry that my people "of England do not the like, for certainly "their pronunciation utterly spoileth the

quhair Johnne Stormont is nominat constable, xij horsse; the parrochine of Cummertres and Trailtrew, quhair Johnne Hill and Cristopher Glover ar constablis, 24 horsse; the parrochine of Dryisdell, quhair Johnne and Andro Johnnestonis ar constabillis, xxxij horsse; the parrochine of Castelmilk, quhair Johnne Irwing is nominat constable, xij horsse; the parrochine of Tundergarthe, quhair Johnne Harknes is nominat constable, xij horsse; the parrochynnis of Hoddum, Line, and Egilfechane, quhair Andro Bell [and] Andro and Williame Cuthbertsonis ar nominat constablis, xx horsse; the parrochynnis of Pennisex, Middilbie, and Carrutheris, quhair Johnne Bell is nominat constable, xvj horsse; the parrochynnis of Kirkpatrik, Kirkconnell, and Mortoun, quhair Robert Bell and George Johnnestoun ar constablis, 28 horsse; the parrochynnis

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"grace of these two learned languages; but "ye see that all the learned men of Scotland "express the true and native pronunciation "of both.' The King continued his discourse "on the subjects of the Disputation till ten "at night; again expressed great satisfaction "with the entertainment he had received; "and promised that, as he had given the "College of Edinburgh a name, he would "also in due time give it a royal God-bairn-"gift, for enlarging its patrimony."—No incident in all King James's visit to Scotland left a more vivid impression than this Disputation of the representatives of the University of Edinburgh, before his Majesty at Stirling on the 19th of July; and, to keep the drollery of the affair distinctly in memory, the pens of several of those present were at once employed in turning his Majesty's string of puns on the names of the disputants into metrical form. The volume of *The Muses Welcome* contains, accordingly, one version of the string of puns into doggerel English verse, and six versions of the same, or of suggestions from it, into Latin metre.—The most valuable part of the affair, however, for the friends of the University of Edinburgh, was the King's emphatic adoption of the University as his own College, with his promise of defending it and patronising it against all its enemies. One has to remember in this connexion the rumour, mentioned in a preceding footnote as to his intentions in the matter of the Scottish Universities at the time of his first arrival in Scotland. There were then five Universities in Scotland: that of St. Andrews, the oldest, dating from 1413; that of Glasgow, dating from 1450; that of King's College, Old Aberdeen, dating from 1494; that of Edinburgh, dating from 1582; and that of Marischal College, New Aberdeen, dating from 1593. The first three were pre-Reformation Universities, founded by Papal bulls, while the last two were post-Reformation Universities, founded on different principles; and the rumour seems to have been that his Majesty had come with the intention of abolishing the two younger Universities, and reducing the number of the Scottish Universities to the old three, if not, indeed, to the two oldest,—St. Andrews and Glasgow,—so that the national Universities should correspond with the two Archbishoprics and be in the Archiepiscopal seats. It is possible enough that Archbishops Spotswood and Law desired something of the sort; and it is independently known that there had been much opposition on the part of the older Universities to the recent foundations in Edinburgh and Aberdeen. So far as Edinburgh was concerned, the King's words at Stirling had therefore a more weighty significance at the time than might now appear. Spotswood and his brother-prelates may have understood them as a distinct repudiation of their policy in one particular.—At the date at which we have now arrived in the Register, Tuesday 22nd July, the bustle at Stirling was over. On that day his Majesty, after a flying visit to Alloa on the 21st, moved on to Glasgow, thus beginning that detour into the west and south-west parts by which it had been arranged that he should complete his Scottish journey and return to England. The literary relics of his visit to Glasgow, as preserved in *The Muses Welcome*, consist of an English speech to him at his entry by William Hay of Barro, Commissary of Glasgow, a longer Latin speech to him, in name of the University, by Principal Robert Boyd of Trochrig, seven pieces of Latin verse in different metres (the longest by the same Robert Boyd of Trochrig), and one piece of Greek verse by David Dickson. All, of course, were in huge praise of the King.

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of Graitnay and Rempatrik, quhair Johnne Maxwell and Williame Johnnestoun ar constablis, 32 horsse; the parrochine of Dornok, quhair David Irwing is constable, xvj horsse; the parrochine of Annand, quhair Thomas Johnnestoun and Thomas Rogersoun ar constablis, xxxij horsse; the parrochine of Moffett, quhair Roger Frenshe is constable, xl horsse; the parrochine of Kirkpatrik-Juxta, quhair Adam Blaiklok is constable, xxx horsse; the parrochynis of Apilgirth, Sibelbie, and Dynwiddie, quhair Gawin Johnnestoun is constable, xxx horsse; the parrochynnis of Huttoun and Corrie, quhair William Grahame is constable, xxiiij horsse: Thairfoir ordanis letteris to be direct chargeing James Murray in Hitchell and Niniane Johnnestoun in Castelmilk, generall constablis nominat for the said haill Steuartrie, the particulair constablis of everie parroche, and the parrochynnaris of the saidis parrocheis, and otheris whome this service concernis, that thay and everyone of thame for thair awne pairtis direct and send, and caus the nomber of horsse abonewrittin sufficientlie providit with all necessair furnitour for cariadge be directit and send, to Annand upoun Mononday the fourte of August about sax of the cloke in the moirning, thair to attend his Majesteis cariadge as thay salbe directit be the maister of the cariadge, under the pane of 20 ℔. for everie horsse that salbe absent and warding of the personis disobeying for yeir and day."

Fol. 121, b.

Farther order anent the conveyance of the luggage from Dumfries to Carlisle.

"Forsamekle as, the Kingis Majestie haveing now almost compleete his jornay and progres throughoute this kingdome, and his Majesteis cariadge, whilk is the most important peece of service that hes occurrit in all his progres, being deulie providit for be the inhabitantis of the schirefdomes and nixt adjacent pairtis quhair his Majesteis progres lay, thair restis now onlie ordour to be tane for lifting of his Majesteis cariadge in his last remove frome Drumfreis to Carlile, quhilk must be done be the inhabitantis of the schirefdome of Drumfreis and Steuartrie of Annanderdaill and otheris adjacent cuntreyis; and whereas the Steuartrie of Annanderdaill hes gevin ane accompt of the haill nomber of horsse for cariadge that the said Steuartrie is able to furneis, whilk nomber will not be sufficient for lifting the halff of the cariadge; necessair it is thairfoir that the inhabitantis within Eskdaill, Ewisdaill, Wauchopdaill, and the baronie of Barntullie *alias* callit the Debetable Land, assist this service and send oute the haill nomber of horsse that thay ar able to mak for lifting and careying of his Majesteis cariadge to Carlile: For whilk purpois ordanis letteris to be direct chargeing the principall personis of rank and qualitie inhabitantis within the saidis boundis of Eskdaill, Ewisdaill, Wauchopdaill, and baronie of Barntullie, and the constablis, yff ony be within the saidis boundis, to conveene and meete with all possible diligence and to tak notice of the haill nomber of horsse for cariadge that everie parrochine within the saidis boundis may convenientlie send oute and furnishe for lifting of the said cariadge upoun Mononday the fourte day of August nixttocome, and that thay haif the same horsse, providit with all necessair furnitour, in reddynes at

Annand the day foirsaid about sax houris of the moirning, and thair attend the said cariadge, and to lift and [carey] the same to Carlile, and that thay appoint constablis in everie parroche who salbe ansuerable that the nomber of horsse designit [unto] everie parroche salbe in reddynes at Annand [on] the day foirsaid, and that thay delyver to Sir James Murray of [Cok]poole and Robert Johnnestoun of Raecleugh ane perfyte note in write contening the nomber of horsse and the names of the constablis in everye parroche, to the effect thay may in dew and laughfull [tyme] acquent the Lordis of Secreit Counsell thairwith and ressave forder directioun thairanent afoir the said fourte day of August nixttocome, under the pane of 20 li. for everie horsse [within] the saidis boundis that salbe absent and warding of the disso[beyaris] for yeir and day." Acta Mar. 1615-Aug. 1617.

[Sederunt as recorded above.]

Decreta Jan.-Nov. 1617. Fol. 94, b.

Edinburgh, 22nd July 1617. Decree that Neill MacLeod Neilson, to whom his father, Donald Neilson of Assynt, has transferred his lands of Assynt in order to evade responsibility for his own many crimes, shall find caution not to reset or shelter his said father.

Complaint by the King's Advocate, as follows:—"Donald Neilsoun of Assint haveing dureing the haill course of his bypast lyff profest and avowit him selff ane lawles and dissobedient persone, nevir acknowledgeing his Majesteis auctoritie nor obedience, bot leving as one who nowther respect God, his Majestie, law, nor justice,—as by the haill course and progres of his unhappy lyff, quhairin he hes commitit schamefull and barbarous murthouris and utheris insolenceis for the quhilkis he is denuncit and registrat at the horne, is evident,—now at last persaveing, in this tyme of his Majesteis most happie and blissit governament, quhen his Heynes is powerfull to suppres suche wretched catives, that he is not able longer to hald foote in the wicked and unhappie course of his bypast lyff, and feiring to be callit to ane accompt of his former doingis to the hasard and perrelling of his lyff and estaite: he, for preventing and eschewing of this appeirand danger quhilk hang over his head, hes denudit him selff of his haill estaite, and hes establischeit the richt thairof in the persone of Neill M°Cleud M°Donald Neilsoun, his sone, upoun previe conditionis betuix thame that the sone sall stand in the naiked richt of the landis and that the father sall enjoy the full fruitioun of the rentis. And this is done betuix thame to scorne his Majestie, illude justice, and to disapoint his Majesteis good subjectis of thair actionis aganis him. Lyke as, sen the tyme of his denunciatioun to the horne for a nomber of causis bothe criminall and civile, and namelie for the barbarous and schamefull murthour of umquhill Donald M°Murchie, he hes his residence and satled remaning in the Assint als publictlie and avowedlie as he had at ony tyme bigane. And, gif ordour be not tane with his said sone quhairby he may be compellit to be ansuerable for his said fader in caise he be resset in his boundis, or then that he be compellit to hald him out of his boundis and suffer him nawyse haif resset, supplie, or conforte within the same, not onlie will he continew in his contempt of his Majestie his Heynes auctoritie and lawis,

Decreta Jan.–Nov. 1617. Fol. 95, a.

bot otheris brokin Hieland men will tak occasioun to imitate him in his foolische and unworthie courseis."—Pursuer and defender both appearing, the Lords order the said Neill M^cDonald Neilsoun to find caution in 500 merks not to "resset, supplie, beild, nor conforte" his said father.

This day appears Alexander Gordoun, uncle of , Earl of Sutherland, and becomes cautioner for Neill M^cDonald Neilsoun in the foresaid sum. Said caution found.

Commissions. Fol. 34, a.

License under the Signet, signed by the Chancellor, Elphinstoun, R. Cokburne, Sir A. Drummond, George Hay, Sir J. Skene, and P. Rollok, is given to Robert Monro Foullis to go abroad for seven years without skaith to his person or goods, provided he behave as a dutiful subject. Licence to Robert Munro Foullis to go abroad.

Sederunts. Fol. 12, b.

"Ane other [licence] to Doctor Kinloch to pas oute of the cuntrey." Licence to Dr. Kinloch.

Decreta Jan.–Nov. 1617. Fol. 95, a.

Sederunt—Chancellor; Carnegy; Master of Elphinstoun; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Bruntiland; Medop; Ridhous; Curriehill; M^r Petir Rollok. Edinburgh, 24th July 1617.[1]

Fol. 95, b.

Complaint by M^r Richard Powrie, minister at Dawick, that James Twedy of Dreva, and James Twedy, apparent of Dreva, remain unrelaxed from a horning of 12th June 1616 for not paying 400 merks of principal and £40 of expenses.—Pursuer appearing personally, and defenders not appearing, the Lords order the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Caption against Tweedie of Dreva and his son for debt to Mr. Richard Powrie.

Fol. 96, a.

Complaint by James Hammiltoun, tailor, indweller in the City of Londoun, that Johnne Baillie of Braidschaw remains unrelaxed from hornings of 28th June last and 1st July instant for not paying 3300 merks of principal and 500 merks of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order as above. Caption against Baillie of Braidshaw for debt to James Hamilton.

Complaint by Sir Johnne Ker of Hirsell, knight, that Sir Johnne Home of Coldounknowis remains unrelaxed from a horning of 2nd December 1609 for not giving pursuer a sufficient acquittance, signed by Juliane Home, and James Pringle, now of Quhytbank, and now her spouse, in favour of the heirs and assignees of the late Robert Ker of Dudingstoun, principal, and Andrew Edmestoun of the Ilk, Johnne Ker in Lumphoy, and James Ker, burgess of Edinburgh, cautioners, for all Caption against Sir John Home of Cowdenknowes, at the instance of Sir John Ker of Hirsell, for non-fulfilment of a decreet of the Lords of Session.

[1] On this day his Majesty went from Glasgow to Paisley; "where in the Earle of "Abercorne his great hall was verie gratious-"lie delivered by a pretty boy of 9 yeares "age, William Semple, sone to Sir James "Semple of Beltries, this welcome following." These are the words in *The Muses Welcome* introducing the speech of the juvenile orator. It is in English; but Paisley supplied also a very long "Carmen Panegyricum" in Latin hexameters by a Michael Wallace.—It was "from our Court at Paisley, the 25th of July 1617," that the King addressed a letter to the Town Council of Edinburgh formally confirming his order at Stirling (*ante*, p. 197 footnote) that the College of Edinburgh should thenceforward be called KING JAMES'S COLLEGE. The Town Council had sent a deputation to him on the subject while he was in Glasgow; and this was the result. The records of the University of Edinburgh do not show that James ever gave anything more substantial to the University than his mere name.

"by-roun victuall" due by them for the sustentation of Agnes, Margaret, and Cristeane Ker, "dochteris lauchfullie procreat betuix the said complenair and the said Juliane," for the years preceding 1607, as contained in the contract between the said Juliane and the said late Robert Ker and his cautioners, conform to a decreet recovered before the Lords of Council and Session on 6th January 1608.—Pursuer appearing by Johnne Storie, and defender not appearing, the Lords give order to the Captain of the Guard as above. Decreta Jan.–Nov. 1617. Fol. 96, b.

Order anent Andrew Henderson, who has returned from the banishment to which he had been sentenced.

Complaint by Andro Hendirsoun, son of the late Johnne Hendersoun, burgess of Edinburgh, as follows:—Pursuer had been apprehended at the instance of Adame Montgomerie, burgess of Edinburgh, and has been committed to the Tolbooth for coming back to this country while under sentence of banishment [*ante*, vol. VIII. by Index]. He is confined in the "Irnehouse,' as a close prisoner. Now, his coming here was by permission of his Majesty, who had granted him leave for one year and respite for the mutilation of the said Adame. The licence and respite were in the hands of Sir Williame Alexander, Master of Requests, and were delivered by him to Sir James Spence of Wolmerstoun for the purpose of their being sent to pursuer, as a certificate under the hand of Sir William Alexander bears.—Pursuer and defender appearing, the Lords order the Magistrates to give pursuer his liberty, because he has promised to depart from the realm before 1st October next and never to return under pain of death. The Lords order "that in the meantyme, so long as the said Adam Montgomerie or his sones are within the burgh, the said Andro sall keepe his ludgeing and onnawyse come furth thairof, nor be seen upoun the streitis; as alsua that he sall at no tyme heirefter resorte nor repair to the boundis of Cunynghame, undir the said pane of deid." Fol. 97, a.

Compearance of Lauchlan MacLean, brother of MacLean of Duart.

"The quhilk day in presence of the Lordis of Secreit Counsell compeirit personalie Lauchlane M^cClayne, bruther to Hector M^cClayne of Dowart, for obedyence and satisfactioun of the act quhairby he was oblist to that effect." Isles. Page 233.

Glasgow, 27th July 1617.[1]

Sederunt—REX; Lennox; Chancellor; Treasurer; Bishop of St. Androis; Bishop of Glasgow; Hamiltoun; Argyill; Montrois; Wyntoun; Abircorne; Lotheane; Tullibardin; Pembroigh; Buckinghame; Bishop of Abirdeene; Binning; Burley; Lord Gordoun; Sir Thomas Laik; Kilsaythe; Clerk of Register; Advocate; Sir Williame Alexander. Acta Mar. 1615–Aug. 1617. Fol. 122, a.

Anent a proposition of his Majesty for

"Anent the propositioun maid be the Kingis Majestie to the Lordis of Secreit Counsaill anent the grite hurte and prejudice that this cuntrey

[1] As this *Sederunt* shows, the King was now back in Glasgow from Paisley, and present at an express meeting of the Privy Council held in Glasgow. As if in compliment to Glasgow, the business transacted at this meeting was, it will be seen, very important. It might also be noted that the meeting was on a Sunday. The King had already in Edinburgh given this kind of proof of his desire to discountenance the Scottish Sabbatic notions of Sunday. See *ante*, p. 163.

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hes sustenit thir divers yeiris bigane be ressoun that the subjectis of this kingdome doeth ordinarlie fraught strangearis shippis for importing and exporting of thair commodityis, quhenas Scottis and Inglishe schippis may convenientlie be had, quhairthrow the trade of navigatioun in this cuntrey is verie far decayit, the best shippis within the same ar sauld to strangearis for laik of imployment, and in effect the cuntrey, quhilk of laite yeiris wes weele furnist with a nomber of goode and strong shippis, is now become emptie of shipping, to the grite discredite, scandaill, and waikning of the cuntrey; whereas, yf, according to the lovable custome of all otheris weele governit commounwelthis, no strangearis shippis wer sufferrit to be frauchted be the subjectis of this cuntrey quhen Scottis and Inglis schippis may be had, the shipping of this cuntrey wald daylie increse bothe in nomber and burdyne, and the trade of navigatioun, whilk of laite yeiris is far decayit, wald be renewit and florishe, to the honnour, credite, and strenthe of the cuntrey: The Lordis of Secreit Counsaill, haveing hard and considderit his Majesteis most princelie propositioun foirsaid and finding the same worthie to be imbraceit,—thairfoir thay ordanis the actis formarlie maid heiranent, the articlis anent the Treatye of the Unioun, and the actis and proclamationis maid in England for this effect, to be seene, to the effect that accordinglie ane act may be maid heiranent."

the encouragement of the shipping-trade in Scotland by prohibition of the freighting of foreign ships for imports or exports when Scottish or English ships may be had.

Fol. 122, b.

"The quhilk day the Kingis Majestie recommendit unto the Lordis of Secreit Counsell that, seeing he had bestowit so grite chargeis and expensis upoun the reparatioun of his Majesteis Palice and Chappell of Halyruidhous, that thairfoir cair wer tane that some face of a courte myght be keepit thair, and that his Previe Counsell sould sitt thair, and that the Lordis of Counsell sould attend the preatcheing everie Sonday in the Chappell, and that the ordinarie service sould be keept thair."

Recommendation of his Majesty that "some face of a court" be henceforth kept at Holyrood, and that the Privy Council sit there in future.

"Anent the contributioun grantit for releiff of the prisonnaris tane and detenit be the Turk, the Archiebischop of Sanct Androis wes commandit to tak ordour that the haill Bischoppis within this realme within thair severall dioceyis sould haif a cair that the said contributioun be tymouslie collectit and ingadderit, and that the haill Bishopis be writtin to for this effect."

Anent a general collection for relief of captives in Turkey.

"The quhilk day in presence of the Lordis of Secreit Counsell compeirit personalie James Cranstoun, sone to Williame, Lord Cranstoun, and actit and oblist him and his airis, as cautionair and souirtie for M^r^ David Calderwode, minister at Craling, that the said M^r^ David betuix the daite heirof and the feast and terme of Michaelmes nixttocome sall depairt and pas furthe of his Majesteis dominionis and not returne agane within the same without his Majesteis licence had and obtenit to that effect, under the pane of fyve hundreth merkis. *Sic subscribitur:* James Cranstoun."[1]

Caution in 500 merks by James Cranstoun, son of Lord Cranstoun, for Mr. David Calderwood, that he will go into banishment.

[1] Calderwood, after his sentence by the Court of High Commission in St. Andrews (*ante*, p. 183, footnote), had been detained for some days in St. Andrews, but had been shifted to Edinburgh on the 18th of July and confined in the Tolbooth there. Lord Cran-

Commissions. Fol. 34, b.

Glasgow, 27th July 1617. Commission to the Earl of Argyll and a number of others for the pursuit and apprehension of Allan Cameron of Lochiel and a number of his clansmen and associates, at the horn for armed convention and slaughter in 1613, and for various subsequent acts of lawlessness.

Commission under the Signet, superscribed by the King, and signed by the Chancellor, Abirdene, Master of Elphinstoun, T. Cokburne, George Hay, Sir W. Oliphant, P. Rollok, and Sir [R?] Denistoun, is given to Archibald, Earl of Ergyle, William, Earl of Tullibardin, Coline, Lord Kintale, Sir Lauchlane M$_c$Intoshe of Torcastell, Sir Rory M^{c}Kenzie of Cogache, Sir Donald M^{c}Allane of Ylantyrum, Captain of the Clanranald, Johne Grant of Glenmorestoun, M^r Donald Campbell of Parbrek, William M^{c}Intosche of Boirlune, Malcome M^{c}Intosche of Broome, Duncane M^{c}Intosch of Abirardour, Allan M^{c}Intosche of Davie, Hectour Monro of Clynis, Johnne Monro of Lymlair, William Ros of Innercharroun, and Donald M^{c}Quene of Corribroch, to apprehend by force Allan Cambroun of Lochyell, Allaster M^{c}Ronald in Garganache, Donald M^{c}Coneill Oig in Strone, Donald M^{c}Allaster in Bar, Johnne M^{c}Allaster in Innerchamock, Donald M^{c}Allaster in Innermalie, Johne M^{c}Eane M^{c}Conochie in Innersmorline, Duncane M^{c}Coul M^{c}Conochie in Bar, Ewne M^{c}Allane in Cloine (?), Ewne M^{c}Conochie in Achnasaoull, William M^{c}Conochie in Moirlagane, Johnne M^{c}William, his son, "in the heid of Lochbrek," Ewne M^{c}Coneill M^{c}Conochie in Musterliche, Ewne M^{c}Allane in Connacharriche, Donald M^{c}Ewne M^{c}Coneill M^{c}Mertene in Dodyke, Johnne M^{c}Eane Towche in Achnadaill, Donald M^{c}Eachin in Corchalie, Chairlis M^{c}Eachin in Achnagar, Johnne M^{c}Eachine in Downie, Angus M^{c}Eachin Oig in Achnacogen, Paull M^{c}Innes M^{c}Connochie in Inneralie, V^{c}Eandoy V^{c}Finlay in Ersyd, Ewne M^{c}Faill M^{c}Inteir there, Allaster M^{c}Coull M^{c}Rorie there, Gorry M^{c}Allaster in Teirnandich, William M^{c}Quell M^{c}Gorrie in Achnavadie, Donald M^{c}Coull M^{c}Gorrie, his son, in Brogache, Oir M^{c}Coneill M^{c}Innes in Bohonie (?), Donald M^{c}Donald M^{c}Eane in Achnadorie, Johnne Dow M^{c}Coneill M^{c}Innes in Inneray, James M^{c}Aga there, Johnne M^{c}Ane M^{c}Allaster in Blairnakache, Johnne Dow M^{c}Allane in Drumairbane, Johnne M^{c}Coneill Doy in Inchcorry, Allaster Dow in Culkenna, Donald Roy M^{c}Innes, his brother, in Doune, Ewne M^{c}Allan [in] Calcairt, Johnne M^{c}Innes in Caldy, Angus Oig in Kenlochrehane, Allan Dow M^{c}Allaster M^{c}Ewne in Cullacharne,[1]—who remain unrelaxed from a horning of 31st May 1613, at the instance of Allane Cambroun of Glenneveis, Ewne M^{c}Coneill M^{c}Ewne in Blairmafaliche, Adie, son of Donald Beg V^{c}Ewne M^{c}Coneill in Blairmafalache, M^{c}Ewne M^{c}Allane, son of the late Ewne M^{c}Allane in Ardgour, and the children of the late Donald Beg M^{c}Coneill M^{c}Ewne and the late Ewne M^{c}Allane, and the King's Advocate, for not finding caution for their appearance before the Justice to answer the charge of having worn hagbuts and pistollets and murdered the said Donald and Ewne; and who also remain unrelaxed from a horning concerning the murder of Angus Leayoche, Ewne M^{c}Eane M^{c}Conochie, and Kenache

Fol. 35, a.

stoun and his family, who were on friendly terms with Calderwood, had been exerting themselves in his behalf as much as they could already; but it required some boldness in young Cranstoun to go to Glasgow and offer this caution. Calderwood's own representation is that his chief enemy with the King was Archbishop Spotswood.

[1] *Cf.* this list with that in the Commission against Lochiel, *ante*, vol. x. p. 186.

Commissions. M^cAne V^cKeniche, servitors to George, Marquis of Huntlie, and for stealing a number of "bestiall and guidis" from the said Laird of Glenneveis. The commissioners are to apprehend the said Allane Cambroun of Lochyell, Johnne Cambroun, his son and heir, Ewne M^cCoilleir in Moy, Johnne Braik M^cCondochie Roy there, Johnne M^cKynnoche Vane, wright there, Angus M^cCondochie Roy there, Johnne Oig M^cEane V^cCondochie in Aracht, Donald M^cMichaell there, Duncane M^cCondochie Roy there, Johnne Moir M^cCoull V^cAne V^cCondochie in Innerausky, Mulen, Johnne M^cCoull V^cAllaster in Balladown (?), Oig M^cDougall in Strom, Athearvie Chairlis M^cEane V^cCondochie V^cWilliam in Musserliche, Athiemellane Dougall M^cAllaster M^cCoull in Innerdowillie, Melwarte Soirle M^cEane Moir in Caliros, Ewne M^cConill VicMertene there, Johnne M^cWilliame V^cCondochie Vane in Glenpeane, Duncane M^cEane V^cCoull V^cCondochie there, Mulloun Vie, his brother, there, Ewne Oig M^cCondochie V^cDewn in Cumche (?), Duncane M^cEwne V^cCondochie in Muk, Arvie Ewne M^cCondochie V^cEwne in Auchnasaull, Johnne Gromache M^cAllaster V^cCoull in Innerkeak, Katherine Nein Mertene, widow in Cloyn, M^cConeill V^cEanduy V^cEwne there, Lauchlane M^cConill V^cLauchlan in Keandpoill, and Johnne M^cLauchlane, his son,—who remain unrelaxed from a horning of 19th February last, at the instance of Lauchlane M^cIntosche of Dunnauchtane, for not finding caution for his indemnity; and, moreover, the said Allan Cameroun of Lochyell, Ewne M^cCoulteir in Moy, Johnne Braik M^cCondochie Roy there, Johne M^cKenoch Vane, wright there, Angus M^cCondochie Roy there, Johnne Oig M^cEane in Aricht, Donald M^cMichaell there, Duncane M^cCondochie Roy there, Johnne Moir M^cCoull V^cEan V^cCondochie, Dougall M^cAllister M^cCoull in Innerdowillie, Soirle M^cEane Moir in Calcros, Ewne V^cCoull V^cMertene there, Johnne M^cWilliam M^cCondochie Vane, Duncane M^cEane V^cCoull V^cCondochie, Mulloun Vie, his brother, Ewne Oig M^cCondochie V^cEwne, Duncan M^cEwne V^cCondochie, Ewne M^cCondochie V^cEwne, Johnne Gromache M^cAllaster V^cCoull, Katherine Nein Mertene, widow in , M^cConeill V^cEanduy V^cEwne, Lauchlane M^cCoull V^cLauchlane, and Johnne M^cLauchlane, his son, who remain unrelaxed from a horning of the same date, at the same instance, for not removing from the said laird's lands. The commission is also to be used against the said Allan Cambroun of Lochyell, Duncane Cambroun *alias* M^cMertene, Donald Cambroun *alias* M^cMertene, and Dougall Cambroun *alias* M^cMertene, who remain unrelaxed from a horning of 22nd July instant, at the instance of the King's Advocate and the foresaid Lauchlane M^cIntosche of Dunnauchtane, for not entering their persons within the Tolbooth of Edinburgh for wearing hagbuts and pistollets and for resisting the holding of courts in Lochquhaber (see p. 148.)

Fol. 36, a.

Sederunts. Fol. 13, a.

Day of meeting fixed for the Commissioners for Plantation of Kirks.

"The Kingis Majestie, with advise of the Lordis of Secreit Counsaill, appointis the 20 day of August nixttocome for meiting of the Commissionaris anent the Plantatioun of the Kirkis at Edinburgh for advyseing anent the forme of the sumondis and citationis that salbe usit in this

mater; and that missives be direct to the Commissionaris for this effect." Sederunts.

Opinion of the Council on the question, referred to them by his Majesty, of the legality of the insertion in the decree-arbitral which he has undertaken to pronounce between the Marquis of Huntly and the Earl of Errol, of a clause craved by the Earl of Errol for his exemption from the jurisdiction and sheriffship of the Marquis.

"Anent the propositioun maid be the Kingis Majestie to the Lordis of Secreit Counsaill tuitcheing the exemptioun craved be Frances, Erll of Erroll, frome the office, judgement, and jurisdictioun of schireffship of George, Marques of Huntley, quhilk the said Erll desirit to be insert in his Majesteis decreit and sentence arbitrall to be gevin and pronuncet be his Majestie upoun that submissioun maid unto his Majestie be the said Marques, takand the binding on him for George Gordoun of Geycht, and Johnne Gordoun, lait schiref-depute of Abirdeene, on the ane pairt, and the said Erll of Errole, takand the burdyne on him for the fader and bairnis of Brunthill and for the moder and freindis of umquhill Frances Hay, on the other pairt,—quhairupoun his Majestie craved the advise and opinioun of his Majesteis Counsell how far he might proceid in law in that exemptioun: the Lordis of Secreit Counsaill, haveing hard the propositioun foirsaid, and understanding that the submissioun foirsaid past betuix the said noblemen proceidit not upoun ony deidis done be thame selffis or upoun ony contraversie or debait standing amangis thame selffis, bot onlie upoun the occasionis fallin oute betuix thair freindis, and that thay ar no forder bundin bot to caus thair freindis underly and obey his Majesteis decreit and sentence to be pronunceit betuix thame; and considering thairwithall that a schireff principall can not be answerable *in criminalibus* for his depute, seeing the cryme is personall and the punishment dew thairfoir aucht onlie to be execute upoun the persone guiltye: Thairfoir the saidis Lordis findis that his Majestie in his decreit and sentence can not of law decerne the said exemptioun, seeing thair is no suche mater submittit; and his Majestie can not pas the boundis of the submissioun; and, yf the said Erll hes ressoun for him to seik the said exemptioun, he wilbe hard thairupoun befoir the Lordis of Counsell and Sessioun." Fol. 13, b.

The Torwood.

"Chargeis aganis Gruden to the 20 of this instant for cutting of the Torwode."

Contribution for captives.

"That chargeis be direct aganis the ministeris quho hes ressavit the contribution foirsaid to compeir and mak compt." Fol. 14, a.

Commission for the Plantation of Kirks.[1]

"The quhilk day the Lordis Chancellair, Thesaurair, and President promeist to keepe the 20 day of August anent that mater of the Plantatioun of the Kirkis; and the Chancellair promeist that the Vicount of Lauderdaill sall keepe the said day; and the Archiebishop of St. Androis promeist that the Bishopis of Abirdeene, Galloway, and Ros sall keepe the said day."

Edinburgh, 31st July 1617.[2]

Sederunt—Chancellor; Bishop of Abirdeene; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Ridhous; Bruntyland; Mr Peter Rollok. Acta Mar. 1615–Aug. 1617. Fol. 122, b.

[1] This "Commission for the Plantation of the Kirks" had been appointed in the recent Parliament. See *ante*, p. 164, footnote, and p. 169.

[2] In the interval between the last meeting of Council and the present the King's movements had been as follows:—On Monday, the

Acta Mar. 1615–Aug. 1617.

"The quhilk day the Lordis of Secreit Counsell, according to ane warrand and directioun in write signed be the Kingis Majestie, ressavit and admittit Sir Robert Denneistoun, knight, to be one of his Majesteis Previe Counsell of this kingdome, and to brouke all honnouris, digniteis, previlegeis and prerogatives proper and dew to his said place. Lyke as, the said Sir Robert being personalie present, and acknowlegeing his Majesteis gratious favour showne unto him, he with all dew reverence, upoun his knees, his hands lyand upoun the holie evangell, maid and gaif thair [his] solemne oathe of allegeance and the oathe of a Previe Counsellour." Sir Robert Dennistoun admitted of the Council.

Fol. 123, a.

"The Lordis of Secreit Counsaill being cairfull that during this tyme of the dreave and tak of hering goode ordour be keept, and that the cuntrey people be weele and tymouslie servit afoir ony pairt of the hering be mellit with be the maircheantis,—thairfoir the Lordis of Secreit Counsaill gevis and grantis commissioun be thir presentis to Sir Robert Hepburne, knight, Williame Sydserff of Roughlaw, and Williame Arnott of Collrandispeth, or ony twa of thame, and to Archibald Martine and Mungo M^cCall, burgesis of Edinburgh, and to Henrie Lauder,[1] provest of Dunbar, to attend the fisheing at Dunbar this present yeir, and to hald hand and see that the cuntrie be first served in dew and laughfull tyme with the hering that salbe gottin at everie tyde, and that then the marcheantis provide and furneis thame selffis as thay may find the occasioun; firme and stable halding and for to hald all and quhatsomevir thingis the saidis commissionaris sall do heirin." Commission anent the herring-fishery at Dunbar.

Isles. Page 233.

Allane Camroun of Lochyell "haveing thir mony yeiris bigane profest and avowit him selff a rebellious and dissobedient persone to his Majestie and his lawis, delyting in no thing els bot in cruell and detestable murthouris, fyre-raisingis, sorceryis, and utheris insolencyis, offensive to God and unworthie to be hard of in ony kingdome subject to a prince, law, and justice"; and he and his accomplices,—viz., Allester M^cRonald in Gargavach, Donald M^cConell Oig in Strone, Donald M^cAllester in Bar, Johnne M^cAllester in Innerchaynnock, Donald M^cAllester in Innermalie, Johnne M^cEane M^cCondochie in Innersmorlyne, Duncane M^cConell M^cCondochie in Bar, Ewne M^cAllane in Cl[illegible]ene, Ewne M^cConochie in Achnasanell, William M^cConochie in Moir Lagane, Johnne M^cWilliam, his son, in the head of Locherkack, Ewne M^cConell M^cConnochie in Musterlich, Ewine M^cAllane in Cannacharriche, Donald M^cEwne M^cConell M^cMartene, Johnne M^cEane Coniche in Achnadaill, Donald M^cEachin Proclamation against intercommuning with Cameron of Lochiel and his rebel clansmen and associates

28th of July, he had gone from Glasgow to Hamilton, on a visit to the Marquis of Hamilton. Here the sole literary incident of his visit was an English poem of welcome in lyrical stanzas by Sir William Mure, younger, of Rowallan. It is printed in *The Muses Welcome*. From Hamilton he went, on Thursday, the 31st, to Sanquhar, on a visit to Lord Sanquhar, the successor of that Lord Sanquhar whom he had caused to be hanged in London for murder. There were furnished four pieces of Latin verse for the Sanquhar occasion, signed respectively by Patrick Kinloch, Patrick Johnston, Robert Wilkie, and Samuel Kello. See them in *The Muses Welcome*.

[1] "Johnne Achiesoun, Provest of Dunbar."—*Book of Sederunts*, fol. 14, a.

in Corehalie, Charlis M$_c$Eachin in Auchnagar, John M^{c}Eachin in Downe, Isles.
Angus M^{c}Eachin Oig in Achnacogen, Paull M^{c}Innes M^{c}Conochie in
, V$_c$Eane Duy V$_c$Finley in Esyd (?), Ewne M^{c}Faill M^{c}Inteir
there, Allester M^{c}Coull M^{c}Rorie there, Gorrie M^{c}Allester in Teirneach,
William M^{c}Conell M^{c}Gorrie in Achavad, Donald M^{c}Coull M^{c}Gorrie, his
son, in Brergach, Oir M^{c}Conell M$_c$Innes in Behoun, Donald M^{c}Donald
M^{c}Eane in Auchindoris, Johnne Dow M^{c}Connell M^{c}Innes in Innerlay,
James M^{c}Ago there, Johne M^{c}Eane M^{c}Allester in Blairnabaithe, Johne
Dow M^{c}Allane in Drummerbane, Johne M$_c$Conell Duy in Inchecorrie,
Allester Dow in Kalkenna, Donald Roy M^{c}Innes (?), his brother, in Downe,
Ewne M^{c}Allane in Calcartt, Johne M^{c}Innes in Culdy, Angus Oig in
Kenloche . . . , Allan Dow M^{c}Allester M^{c}Ewne in Tullacharne,— Page 234.
remaining unrelaxed from a horning of 31st May 1613, raised at the
instance of Allester Camroun of Gleneves, for himself and Ewne
M^{c}Conell and Ewne M^{c}Conell M^{c}Ewne in Blairmafalloch, Adie, lawhful
son of Donald Beg V^{c}Ewne M^{c}Conell in Blairmafalloch, M^{c}Ewine
M^{c}Allane, and the late Ewine M^{c}Allane in Ardgour, and the children
and kin of the late Donald Beg M^{c}Conell M^{c}Ewne and the late Ewne
M^{c}Allane, and by his Majesty's Advocate, for not finding cautioun for
their appearance before the Justice to answer the charge of having worn
hacquebuts and pistoletts, "murdresheing and slaying of the said
umquhile Donald Beg M^{c}Conell M^{c}Ewne, and Ewne M^{c}Allane, and
umquhile Angus Leoche, umquhile Ewne M^{c}Eane M^{c}Conochie, and
umquhile Kenach M^{c}Eane V^{c}Kenach, servitouris for the tyme to George,
Marques of Huntlie, and for the thifteous stealing, reving, and away-
taking of a grite nomber of bestiall and goodis pertineing to the said
Allester Camroun of Gleneves and certane utheris personis"; and the
said Allane Camroun of Lochyell, Duncane Camroun *alias* M^{c}Martyne,
Donald Camroun *alias* M^{c}Martene, and Dowgall Camroun *alias*
M^{c}Allester, remaining unrelaxed from a horning of 22nd July instant,
at the instance of the King's Advocate and Lauchlane M^{c}Intoshe of
Dunnachtane, for not entering themselves in ward within the Tolbooth
of Edinburgh and remaining there till order had been taken with them
for wearing illegal weapons and resisting the said Sir Lauchlane in the
holding of courts within the Lordship of Lochaber: Therefore the Lords
order proclamation to be made that no person "ressett, supplie, and
intercommoun with the saidis rebellis, thair wyffis, bairnis, nor furneis
thame meite, drink, hous, harborie, nor na uther thing comfortable and
necesser unto thame," &c., under pain of being held to be accomplices and
of being punished accordingly.

Edinburgh, 31st July 1617.

[Sederunt as recorded above, with the addition of *The Master of Elphinstoun.*] Decreta Jan.–Nov. 1617. Fol. 97, a.

Order for the liberation of William

Complaint by William Veitche of Lyne, as follows:—On account of an unhappy accident which lately fell out within the town of Kirkwood,

Decreta Jan.–Nov. 1617.

when Malcome Cokburne and Robert Hammiltoun were hurt, pursuer was apprehended by the Laird of Skirling, who happened to be present, on the ground. The said Laird, who is a private person with no authority, brought him to Edinburgh and committed him to the Tolbooth, where he is kept in close ward and denied the comfort of interviews with his friends. Pursuer was not the author of the trouble, and is altogether innocent of the hurting of the said persons. He had "nothing to do with thame"; but, "being onlie upoun the ground quhen that trouble fell oute betuix thame and thair pairtie," he "come to as a reddair, and did quhat in him lay to have sinderit thame; and for this his good intentioun the said complenair wes persewit be the saidis personis, as is notourlie knawne." Moreover, the said persons are not severely wounded, and are in no danger of their lives. Pursuer is willing to find caution to appear to answer the charge preferred against him.—Pursuer appearing personally, and the said Malcome appearing by Lord Blantyre, and the said Robert not appearing, the Lords order the Magistrates of Edinburgh to liberate pursuer, because he has found caution in 1000 merks to appear to answer any complaint that shall be made against him by the said persons.

Veitch of Lyne, now in the Tolbooth of Edinburgh on a charge of having been concerned in the wounding of Malcolm Cockburn and Robert Hamilton at Kirkwood.

Fol. 97, b.

Complaint by James Dalyell, younger, son of the late James Dalyell, elder, merchant burgess of Edinburgh, and "executour dative *ad omissa* decernit to him," that George, Earl of Caithness, remains unrelaxed from a horning of 14th September 1615 for not paying £236, and £70, 10s. for three years' annualrent thereof, together with £60, as a part of a sum of £100, with 10 merks of expenses and 40s. to the Lords' Collector.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against the Earl of Caithness for debt to James Dalyell.

Fol. 98, a.

Complaint by Chairlis M^cMurreis, tailor, sometime indweller in the Pottirraw, and now indweller in Edinburgh, that George Johnstoun of Torry remains unrelaxed from a horning of 4th March 1615 for not paying £69 of principal and £12 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order as above.

Caption against George Johnston of Torry for debt to Charles M^cMurries.

Fol. 98, b.

Complaint by Margaret Smyth, relict of Malcome Troupe in Pettindrum, and James, Jonet, Agnes, and Cristeane Troup, their children, as follows:—On the night of 24th December 1615, Patrik Cheyne, son of James Cheyne in Breca, went by way of hamesuckin to the house of the late Malcome in Pittindrum, and, having entered, most cruelly assaulted the said Malcome with a "grite trie or baltoun,"—he being 77 years old and impotent in his right arm. He struck him on the head and other parts, and left him lying on the ground, "his ee almaist dung furth of his head." The said Malcome was not only thereby deprived of his sight and sense of hearing, but was a criple "going upoun tua stiltis" for a long time after. Moreover, the defender out of malice "kaist doun and spilt the worte of ane boll malt in aquavitie burne, brak doun the caldroun wes on the fyre thairwith, and lost the valoure thairof."

Margaret Smyth, relict of Malcolm Troup, against Patrick Cheyne, for compensation for injuries done to her late husband and herself and children.

Through their long trouble and extreme misery they were "forcit to skaill house." Thereafter they complained to the Lords of Council, who ordered the said Patrik to give satisfaction to the said Malcolme. Since the giving of that decreet, pursuer's husband has died; and pursuer, who is now "ane poore indigent wedow," claims the satisfaction which has not been made to her and her family.—Pursuer appearing personally, and the said Patrick not appearing, the Lords order him to be denounced rebel. Decreta Jan.–Nov. 1617. Fol. 99, a.

Thomas Wright in Leith against James Wright in Edinburgh for assault.

Complaint by Thomas Wricht in Leith, as follows:—James Wricht, agent in Edinburgh, has often sought occasion to execute his private grudge against pursuer. On 25th July instant, defender, having heard that pursuer was in Edinburgh and would return that day to Leith, hid himself beside the Lipper House; and, as soon as he saw pursuer, he went up to him and "appealit him to go af the way and to undirtak the combat." On his refusal, he attacked him most fiercely by hitting him on the face "to the effusioun of his blood in grite quantitie at mouth and neis"; then "rasched him violentlie to the ground, lay a long space abone him, strak him with his handis ūpoun the face and heid, and with his kneis and feit sua birsit his bellie and bak that he has continewallie sensyne spittit blood, [and] preasit with his quhinyeair to have bereft him of his lyff." When defender caught sight of some men coming to pursuer's relief, he ran away with all speed to Edinburgh. Since the assault "he hes maid his vaunt thairof, and confest the same to sindrie personis."—Pursuer and defender appearing personally, the Lords assoilzie defender, because pursuer has failed to proof his charge. They order both parties to find caution for each other's indemnity, each in the sum of £100. Fol. 99, b.

James Mitchell, burgess of Selkirk, against Arthur Scott for assault.

Complaint by James Michelhill, burgess of Selkirk, as follows:—Arthour Scot, brother of Johnne Scot of Newburgh, having conceived a grudge against pursuer, because "he removit frome his house and service ane hussy with quhome he had abusit the said complenairis house in whoredome," lately sent a challenge provoking him to the combat. Pursuer having refused to accept the same, defender on 11th July instant hid himself on the highway between Hangandschaw and pursuer's house, in order to have his revenge on him as he was returning home. He assaulted pursuer with a sword and dagger, "gaif him a grite stryk upoun the head, hes dung ane ee out of his head," and wounded him in divers parts.—Pursuer appearing personally, and defender also appearing, and the latter having confessed that he had written the "cartale," which was produced in his presence, the Lords order him to be committed to the Tolbooth of Edinburgh, to remain there at his own expense during their Lordships' pleasure. Fol. 100, a.

Linclowden, 3rd August 1617.[1]

Sederunt—Lennox; Mar; Hammiltoun; Tullibardin; Abircorne; Pembroch; Buckinghame; Bishop of Glasgow; Bugcleuch;

[1] The dating of this sederunt is significant. The King, whom we left at Sanquhar on the 31st of July, had paid a visit to Drumlanrig Castle on the 1st of August, received there by Sir William Douglas, and presented with a short Latin poem by George Douglas and a

Decreta Jan.–Nov. 1617.

Binning; Sir Thomas Laik; Burlie; Treasurer-Depute; Curriehill; Sir Andro Ker; Sir Williame Alexander.

John and Herbert Carlyle against William Bell and a number of others for assaults.

Complaint by Johnne Carlile in Souple Bank, Harbert Carlile, his brother, one of the constables of the peace within Annanderdaill, William Bell, servitor to Lord Hereis, Thomas Bell in Souplebank, Thomas Wilsoun in Boigsyd, and Cuthbert Bell there, as follows:—On 25th June last, Waltir Bell in the Castelbank, Ritchie, William, and Francie Bell, his brothers, Thome Bell, "callit of the kirk," Geordie, Wattie, and Ritchie Bell, his brothers, William Bell in Cleuchbra, Johnne Bell, his brother, William Bell in Middlebiehill, and others, went by way of hame-suckin to Johnne Carlile's house, assaulted him, Marioun Bell, his wife, and Malie Davidsoun, his servant, to the peril of their lives, and cruelly
Fol. 100, b. "stickit, gorrit, and slew" a horse belonging to pursuer which was tethered on his own grass. On July last, Johnne Bell of Castelbank, Waltir, Ritchie, William, Francie, and Thomas Bell, his brothers, Waltir Bell in Carutheris, Thome Bell, his brother, Thome Bell, "callit of the kirk," Waltir, Ritchart, and Geordie Bell, his brothers, Jok Bell in Grenegaitsyde, William Bell in Cleuchbra, Johnne Bell, his brother, and William Bell in Midlebiehill went by night to the pursuer's house in Souplebank, when he and his family were in bed, assaulted him, wounded Harbert Carlile, his brother, and knocked two teeth out of his head, struck pursuer's wife and "bled hir in sindrie pairtis," hurt the said Williame, Thome, and Cuthbert Bell, and Thome Wilsoun, and wounded the said William Bell.—Pursuers appearing, and defenders not being present, the Lords order the defenders to be denounced rebels.

Acta Mar. 1615–Aug. 1617. Fol. 123, a.

[No record of Sederunt.]

Edinburgh, 11th August 1617.[1]

"Forsamekle as the Lordis of Secreit Counsaill ar informit that of laite thair hes ane unhappie accident fallin oute within the boundis of the

much longer one by John Nimmo; and now, on the 3rd of August, he was close to Dumfries, and ready to pass through that town on the last journey he was to make on Scottish ground. Lincluden is close to Dumfries; and a number of the Scottish Councillors had gathered there to take leave of his Majesty as he crossed the Border into England.

[1] A week ago his Majesty had left Scotland and was back in England. On Monday the 4th of August he had passed through Dumfries, received at his entry with an English speech by Mr. James Halliday, commissary of the town; and on the same day he was at Carlisle, whence, by successive stages through the northern English Counties and the Midlands, he was to reach London on the 15th of September.—The departure of the King from Scotland was made the occasion of a set of valedictory poems, distinct from the collection of the numerous clusters of poems of welcome that had marked the successive points of his progress within Scotland from the 13th of May to the 4th of August. "Τα των Μουσων Εξοδια: *Planctus et Vota Musarum in Augustissimi Monarchae Jacobi, Magnae Britanniae, Franciae, et Hiberniae Regis, &c., Recessu e Scotia in Angliam, Augusti 4, Anno* 1617," is accordingly the title of a little collection of contemporary Latin verses on the King's departure, issued from the press of Andro Hart in 1618, distinct from the collection entitled *The Muses Welcome*, though generally bound up with it. The valedictory pieces are six in number, and chiefly from pens that had already contributed to the poems of welcome. Most important of the six are a long piece, in Latin hexameters entitled *Lachrymae in Regis Recessu* ("Tears

Charge for the conveyance of James Forbes of Blacktoun, now a prisoner in Aberdeen for the slaughter of William Keith, from Aberdeen to Montrose, thence to Forfar, thence to Cupar, thence to Burntisland, thence to Leith, and thence to Edinburgh, that he may be tried by the King's Justice in Edinburgh, —the trial, in view of the feud which occasioned the slaughter, and the local power of the families interested, being too important for local judgment.

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schirefdome of Abirdeene betuix James Forbes of Blaktoun, on the ane pairt, and umquhile William Keith, bruther to the Goodman of Clokreaugh, and Alexander Gordoun, bruther to George Gordoun of Geycht, on the other pairt, quhair the said umquhill Williame Keyth is slayne, and the said James is tane be the freindis of the said Williame and is in thair power and keeping; and whereas the tryall of the said James Forbes for that slaughter befoir ony inferiour judge within this kingdome outwith the burgh of Edinburgh may produce grite trouble and inconvenientis, to the brek of his Majesteis peace, seeing the pairtyis and thair freindis who will kyithe in that mater ar mony and grite, and the questionis whilkis will result upoun the forme, maner, and circomestanceis of the said slaughter will require forder advise and resolutioun nor can be had in ony inferiour judgement: thairfoir the saidis Lordis hes thocht meete, resolved, and concludit that the tryall of the said James for the slaughter foirsaid salbe befoir his Majesteis Justice and his deputis in the Tolbuithe of Edinburgh, quhair the pairtyis may confidentlie expect that justice salbe indifferentlie ministrat without all privat respectis or considerationis, and that the pouer, freindship, or credite of ony of the pairtyis salbe no hinder, latt, nor impediment to the dew and laughfull course of justice. Thairfoir the saidis Lordis ordanis letteris to be direct chargeing Keithe of Clokreaugh, and all others havearis, keeparis, and detenaris of the said James Forbes, [to delyver him] to the schireff of Abirdeene and his deputis within sax houris nixtefter thay be chairgit thairto, under the pane of rebellioun and putting of thame to the horne; and to charge the said schireff and his deputis to ressave the said James Forbes frome the havearis and keeparis of him, and to transport, convoy, and carye him in suirtie to the burgh of Montrois, suffering nane of the freindis of the said umquhile Williame to assist nor be present at his convoy; and that thay deliver him in the burgh of Monrois to the schireff of Forfair and his deputis; and that thay send tymous and dew adverteisment to the said schireff of Forfair and his deputis of the preceis tyme that thay intend to be at Monrois with the said James, to the effect the said schireff of Forfair and his deputis may attend and await upoun the ressaveing of him af thair handis within foure dayis nixtefter the schireff of Abirdeene and his deputis beis chargeit thairto: under the pane of rebellioun and putting of

Fol. 123, b.

on the King's departure") by John Leitch, a piece by David Wedderburn of Aberdeen, entitled *Charitum Abredonensium Propemptiçon Regiae Majestati extremis Scotiae finibus excedenti* ("Farewell of the Aberdonian Graces to his Royal Majesty leaving the extreme boundaries of Scotland"), and another piece in hexameters with the same title, and doubtless by the same author, though signed "Bon-Accord." In this last the glorious history of Aberdeen, onwards from the days when it was the ancient Devana of Ptolemy, is briefly sketched, and, while mention is made of some of his Majesty's retinue that had visited the city, it is hinted that, inasmuch as he had not been able to visit it himself, the grief of Aberdeen over his departure must be proportionally exceptional:—

"Luget Edinburgum hoc regni caput; hoc Taodunum
Cœligenûm donum; Sterlinum; Glascua; Fanum
Andraeae, Aonidum columen, Sophiaeque
palaestra:
At tam supra alias Abredonia maesta sorores,
Illa tuum quam supra alias persensit amorem."

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thame to the horne. And to command and charge the schireff of Forfar and his deputis to addresse thame selffis to the burgh of Monrois and to be present thair at the preceis tyme quhairof thay salbe adverteist be the schireff of Abirdeene and his deputis, and thair to ressave the said James Forbes af thair handis within ane hour nixtefter he salbe presentit unto thame, and to convoy, transporte and carye him thairfra to the burgh of Coupair in Fyffe, and thair delyver him to the schireff of Fyffe and his deputis within xlviij houris nixt thairefter, under the pane of rebellioun and putting of thame to the horne. And to command and [charge] the schireff of Fyffe and his deputis to ressave the said James Forbes [fra the] schireff of Forfair and his deputis within ane hour nixtefter he [salbe presentit] unto thame, and to convoy and carye him in suirtie to the burgh of B[runtyland], and thair delyver him to the baillies of the said burgh within xxiiij [houris] nixtefter, under the pane of rebellioun and putting of thame to [the] horne. And to command and charge the provest and baillies of Bru[ntyland] to ressave the said James fra the schireff of Fyffe and his deputis [within] ane hour nixtefter he salbe presentit unto thame, and to convoy [and] transporte him in suirtie to the toun of Leythe, and to delyver him to [the] baillies thairof within tuelff houris nixt thairefter, under the [pane] of rebellioun, &c. And to command and charge the bailleis of Leyth to ressave the said James Forbes fra the provest and bailleis of Bruntyland within ane hour nixtefter he salbe presentit unto thame, [and] to convoy him in suirtie to the burgh of

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Edinburgh, and to de[lyver] him to the Provest and Baillies of the said burgh within twa houris nixt [thairefter], under the pane of rebellioun, &c. And to charge the Provest and Bailleis of Edinburgh to ressave the said James Forbes fra the bailleis of Leyth within . . . houris nixtefter he salbe presentit unto thame, and to committ him to warde [within the] Tolbuithe, [thair to] remane upoun his awne expensis ay and quhill [justice] be ministrat upoun [him] for the said slaughter, under the pane of re[bellioun], &c. And, if ony of the schireffis and thair deputis foirsaidis or ony of the provestis and bailleis of the burrowis and townis foirsaidis, or yf the havearis and keeparis of the said James [Forbes], sall failyee in the premisis, the dayis and houris *respective* foirsaidis being bipast, to denunce the dissobeyaris rebellis, &c."

Sederunt—Chancellor; Treasurer; Bishop of Glasgu; Hamiltoun; Montrois; Wyntoun; Lotheane; Tullibardin; Lord Gordoun; Edinburgh, 20th August 1617.[1]

[1] "Upon the 19th of August, Johnne "Murray, groom of the King's bed-chamber, "had a man-child baptized in the Royal Chap- "pel [at Holyrood], about one efternoone or "thereby. Mr. William Cowper, Bishop of "Galloway, Deane of the Chappell, preached. "There was playing of organes, and singing "of men and boys, both before and efter "sermone. The Bishope came doun, efter "sermone, to a table standing on the floore, "covered with fyne linnen or cambridge "[cambric], where there was also a basen "of silver and laver, with some cupps. The "infant was presented by the Countesse of "Eglintoun. Efter the baptisme, some hip- "pocrasse and wafrons were presented to the "noblemen and noblewomen, and others be- "side, to eate and drinke."—*Calderwood* vii. 277.

Scoone; Bugcleugh; Cranstoun; Burley; Binning; Master of Elphinstoun; Bishop of Abirdeene; Bishop of Ros; Privy Seal; Treasurer-Depute; Advocate; Ridhous; Medop; Currihill; Mr Peter Rollok; Sir Robert Dennystoun. Acta Mar. 1615–Aug. 1617.

Viscount Lauderdale, Lord Erskine, Lord Fleming, and Sir Archibald Napier of Merchiston admitted of the Council.

"The quhilk day the Lordis of Secreit Counsell, according to warrandis and directionis in write signed be the Kingis Majestie and presentit this day befoir thame, ressavit and admittit Johnne, Vicount of Lauderdaill, Johnne, Lord Erskine, Johnne, Lord Fleming, and Sir Archibald Naper of Marchinstoun, to be of the nomber of his Majesteis Previe Counsell of this kingdome, and brouke all honnouris, digniteis, previlegeis, and prerogatives proper and dew to the said place. Lyke as, the saidis personis being personalie present, and acknowlegeing with all dew thankis his Majesteis gratious favour showne unto thame by preferring and advanceing of thame to this heigh place of honnour and dignitie, thay with all dew reverence, upoun thair knees, thair handis lyand upoun the holie evangell, maid and gaif thair solemne oath of allegiance and the oathe of a Previe Counsellour."[1]

The 10th of September next fixed for a new roup of the Tack of the Customs, now again at his Majesty's disposal, with order to parties aggrieved by the recent prohibition of the import of more wines till the 1st of January next to send in their objections to that prohibition and their reasons for its repeal.

"Forsamekle as the takkismen and fermoraris of his Majesteis customes hes gevin over to his Majestie the tak of the customes and impoist of the wynes maid unto thame, swa that the same customes and impoist ar fallin in his Majesteis handis to be disponit upoun as his Majestie with advise of the Lordis Commissionaris of his Majesteis Rentis sall think goode for his Majesteis best utilitie and proffeit; and whereas be divers Actis of Parliament it is ordanit that his Majesteis customis salbe roupit and sett to the best availl: Thairfoir the Lordis of Secreit Counsall Commissionaris for his Majesteis Rentis hes appointit the tent day of September nixttocome in the foirnoone for rouping of the saidis customes and impoist of the wynes in the Laich Counsalhous of Edinburgh. For quhilk purpois ordanis letteris to be direct chargeing officeris of armes to pas to the mercat croce of Edinburgh and otheris placeis needfull, and thair be oppin proclamatioun to mak publicatioun of the rouping of the saidis customes and impoist of the wynes, quhairthrow nane pretend ignorance of the same; and to warne all and sindrie his Majesteis subjectis quho ar desyrous to enter in conditioun and bargane for a new tak of the saidis customes and impoist of the wynes that thay compeir befoir the saidis Lordis in the Laich Counsalhous of Edinburgh the said tent day of September nixttocome in the foirnoone, Fol. 124, b.

[1] The famous John Napier of Merchiston, inventor of Logarithms, had died, in the 67th year of his age, at Merchiston Castle near Edinburgh, on the 3rd of April this year, more than a month before the King's visit, and had been succeeded in the Merchiston property by his eldest son, Archibald. This Archibald Napier, known since 1598 as inheriting much of the ability of the Napier family, and especially its propensity to scientific inventions, had been much with the King in England, as gentleman of the privy chamber and the like, since 1603, but was henceforth to be an important resident figure in the affairs of Scotland. He had been one of the Scots whom the King honoured with knighthood during his visit; and now, by the present Act, he became a Privy Councillor.

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and thair present and gif in thair offeris quhat thay will gif for the saidis customes and impost of the wynes, and thay who bidis maist for thame sall haif the same. And, whereas laitlie, upoun the complaynte of some few maircheantis and ventenaris of wynes within the burgh of Edinburgh proporting that thay had broght home a gritair quantitie of wynes this yeir upoun the expectatioun of his Majesteis heircomeing nor thay could gett sauld and tane af thair hand, thair wes a proclamatioun maid and publist dischargeing the homebringing of ony new wynes this yeir afoir the first day of Januair nixttocome [*ante*, p. 170], quhairat the gritest part of the mercheantis of wyne bothe within the burgh of Edinburgh and otheris pairtis of [this] kingdome pretendis verie grite prejudice and hurte, becaus [thay haif] maid thair preparatioun and outred for thair Burdeaulx w[ynes at] the ordinair tyme and seasoun of the yeir for that voyage . . . hand, and, yf thay salbe constrayned to slip the present seasoun and [to] attend and awaitt quhill the end of the yeir, thay will losse the . . . and benefeit of thair outward wairing, and sua will want the . . . to bring home ony new wynes this yeir; and the saidis Lordis [re]solveing to tak suche a moderat course in this mater as salbe . . . for the maircheant estate in generall without his Majestie seeme . . . : Thairfoir to warne all and sindrie personis, marcheantis and o[theris], who hes ony thing to propone or alledge outher anent the abrog[atioun] and recalling of the said proclamatioun or anent the continewa[tioun] of the same, that thay compeir befoir the saidis Lordis the d[ay foirsaid to], gif in thair greevis, and declair all that thay haif to say for [or aganis] the said proclamatioun, to the effect ordour may be tane thairanent."

Borders. Fol. 43, b.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Williame, Lord Creightoun of Sanquhair, Walter, Lord Scott of Bugcleugh, Williame, Lord Cranstoun, Sir Johnne Ker of Jedburgh, Sir Andro Ker of Oxenhame, James Douglas of Cavers, schireff of Roxburgh, and Johnne Murray of Lochmaben, and actit and obleist thame that thay sall mak thair haill men, tennentis, and servandis duelland upoun thair landis, and suche otheris as thay ar oblist to ansuer for be the lawis of this realme and Actis of Parliament, ansuerable and obedyent to his Majestie and his lawis. And, yf ony complaint salbe maid upoun thair saidis men, tennentis, and servandis for ony thift, reiff, fyre-raising, slaughter, oppressioun, or other cryme or ryott, that thay sall outher tak thame and punishe thame, yf thay have jurisdictioun, or then present thame to the judge ordinair to abyde thair tryall; and, yf thay flee and can not be apprehendit nochtwithstanding all laughfull diligence usit to that effect, that thay sall mak restitutioun of the goodis stollin or other harme done be thair saidis men and tennentis to the pairtyis greved. And, yf ony being maid fugitive for crymes salbe ressett upoun thair landis, that thay salbe ansuerable for the entrie of the ressettaris to abyde thair tryall and punishement, and, failyeeing thairof, salbe ansuerable for restitutioun and redresse to the pairtyris skaithit. And, last, that thay

Band by Lord Sanquhar, Lord Buccleugh, Lord Cranstoun, Sir John Ker of Jedburgh, Sir Andrew Ker of Oxenhame, James Douglas of Cavers, and John Murray of Lochmaben, for the good conduct of their men, tenants, and servants.

Fol. 44, a.

and thair saidis men, tennentis, and servandis salbe ansuerable and obedient to law and justice, conforme to the Generall Band maid to his Majestie and his Counsaill in the sax hundreth and tua yeir of God." Borders.

Band by Douglas of Cavers, as bailie for the Earl of Angus, to the same effect.

"The quhilk day James Douglas of Cavers, one of the baillies to William, Erll of Angus, of his landis and lordship of Jedburgh Forrest, actit and oblist him as baillie foirsaid to be ansuerable for the haill inhabitantis of Jedburgh Forrest according to the conditionis of the act abonewrittin, ay and quhill the said Erll of Angus returne within this realme and act him selff to be ansuerable for his awne men."

Similar band by the Laird of Bonjedburgh, as another bailie for the Earl of Angus.

"The Lordis ordanis that the laird of Bonjedburgh, one other of the Erll of Angus baillies of Jedburgh Forrest, be burdynnit at his heircomeing to act him selff with James Douglas of Caveris, the other baillie, in forme and maner as he hes actit him selff."

Letter to the King in connexion with the above.

"That ane letter be writtin to the Kingis Majestie acquenting his Heynes with the petitioun and desyre of the landislordis that the lyke course and ordour be tane with the maisteris and landislordis on the opposite boundis."

Concerning liberty craved by the Border landlords to pursue fugitive criminals into Ireland.

"Anent the petitioun of the landislordis that thay mycht haif pouer to follow malefactouris stealling geare oute of thir boundis to Irland, and thair to apprehend thame, and to bring thame bak to thair tryall, and to crave the concurrence of the justiceis of peace in Yrland for thair apprehensioun, the Lordis referris this mater to his Majesteis consideratioun."

Concerning leave craved by the same landlords to sit with the Commissioners for the Middle Shires at the trial of Border criminals.

"Anent the petitioun of the landislordis that thay mycht haif pouer to apprehend thair awne malefactouris and to exhibite thame to the commissionaris of the Middle Shyris, and that thay mycht sitt with the Commissionaris upoun the trying and punisheing of the saidis male- Fol. 44, b.
factouris, the Lordis ordanis ane commissioun to be past and exped unto thame anent the apprehensioun and exhibitioun of thair malefactouris to the Commissionaris, and reservis the other point anent thair sitting with the Commissionaris to his Majesteis consideratioun."

Charge for the appearance of all Border landlords before the Council.

"The Lordis ordanis letteris to be direct chargeing the haill landislordis on the West, Middle, and East Marcheis to compeir befoir the saidis Lordis upoun the tent day of September nixttocome, to underly the lyke ordour as is tane with the landislordis particularlie abonewrittin."

Act in favour of the Commissioners of the Middle Shires, empowering them to adopt a more expeditious course of justice than hitherto allowed them against arrested Border criminals.

"Forsamekle as the Commissionaris of the Middle Shyris ar oftymes drevin to grite trouble, fasherie, and commer by keeping and detening of malefactouris tane and apprehendit be thame till the ordinair justice courte day, quhairby the malefactouris hes the meanis and possibilityis sometymes to eschaip and to eshew bothe tryall and punishement, to the grite hinder of justice and disapointing of complenaris of redresse; and whereas it is more meete and expedient that thir malefactouris salbe putt to thair tryall with convenient diligence after thair apprehensioun nor that unnecessarlie thay sould be keept till the ordinair courte dayis or till the meeting of a full nomber of the Commissionaris: thairfoir the

Borders.

Kingis Majestie, with advise of the Lordis of Secreit Counsaill, declairis and ordanis be thir presentis that, yf ony persone or persones being declairit outlawis or notorious malefactouris salbe apprehendit be ony of the saidis Commissionaris, or yf ony otheris salbe tane with recent thift be the saidis Commissionaris, that it sall not be needfull to keepe thame in prissoun till the ordinair justice courte day, bot that ony one of the saidis Commissionaris, who salhappin to be the takar of the saidis malefactouris, sall putt thame to the tryall of ane assise, and (being fundin guyltie) to executioun, at suche tyme and howsoone after thair apprehensioun as the said Commissionair sall think meete,—with pouer to the said Commissionar for this effect to fense and hald courtis, and to creat officeris and memberis of courte neidfull, and to caus summond assyisis under the panes usuall and accustomat in the lyke caise, and to proceid to the tryall and ministratioun of justice upoun the saidis malefactouris
Fol. 45, a. with als grite previlege, fredome, and auctoritie as yf the saidis malefactouris wer presentit to thair tryall in the ordinair justice courtis of the saidis Commissionaris and as yf a full nomber of thame wer present: ferme and stable halding and for to hald all that salbe lauchfullie done herein.—The Kingis Majesteis missive and warrand for the act abonewrittin.—Right trustie and right weilbelovit cosine and counsellour, and right trustie and weilbelovit counsellouris, we greete yow weele. It is oure pleasour that to the commissioun grantit to the Commissionaris for the Middle Shyris yow caus ad this article,—that, yf ony, being a declairit outlaw or notorious malefactour, salbe apprehendit, or ony other salbe tane with recent thift, it sall not be neidfull to keepe thame in prissoun till the ordinair justice courte day, bot that ony one of the Commissionaris who sall happin to be takair sall putt thame to the tryall of ane assise and (yf guiltie) to executioun. And, herein willing yow not to fayle, we bid yow fairweele. Gevin at Broome Castell, the aucht of August 1617."

Sir William Scott of Harden appointed to the Lieutenancy of the Border Garrison.

This day the Lords appoint Sir Williame Scott of Harden, knight, to be Lieutenant of the Border Garrison, in accordance with the following royal letter; and the said Sir Williame, appearing, gave his oath that he would discharge his office dutifully.—"His Majesteis warrand for the act abonewrittin.—Right truist cosine and counsellour, and right trustie and weilbelovitt counsellouris, we greete yow weele. Williame Ker, Lieutennent of our Gaird upoun the Bordouris, hath surrenderit in our handis his service of lieutennandrie, and thairupoun we haif maid speciall choise of Sir Williame Scott of Harden, knight, to serve us in that service. Oure pleasour is heirfoir that you ressave and admitt him thairto, ressave his oathe for his trew and faithfull service, and gif ordour that he be ansuerit and payit of the fees and wageis belonging thairunto,—wheranent these presentis salbe youre sufficient warrand. And so we bid yow hairtlie fairweele. Frome oure Courte at Carlile, the saxt of August 1617."

Registration of the General

"The quhilk day, the Generall Band underwrittin, maid to the Kingis

Band made in 1602 by the Border Landlords.

Majestie be the maisteris and landislordis of the late Bordouris of this kingdome, being presentit to the Lordis of Secreit Counsaill and red in thair audience, the saidis Lordis findis that the said band is worthie to be keeped, and thairfoir ordanis the same to be insert and registrat in the bookis of Secreit Counsaill, thair to remane *ad futuram rei memoriam.*" —Then follows the General Band, given *ante*, vol. vi. pp. 825-829. The list of signatories is not quite indentical with that in the earlier version. The document concludes thus:—"This band writtin be William Wylie, clerk. *Sic subscribitur:* JAMES R.; Lenox; Huntlie; Montrois, *Cancellarius;* Angus; Caithnes; Hereis; Lochinwar; Lochinwar, younger; Johnnstoun; J. Drumlanrig; Closburne; Lag; Apilgirth; Gilbert Greirsoun of Dalskarff; Kirkmichell; Amisfeild; Holmaynis; Charlis Murray of Cokpule; James Murray, younger of Cokpule; Robert Maxwell of Spottis; Westeraw; Johnne Johnnstoun of Gratnay; Archibald Maxwell of Cowhill; Edward Maxwell of Hillis; Harbert Maxwell of Cavens; Alexander Maxwell of Logane; James Maxwell of Portrak; Edward Maxwell of the Yle; Robert Maxwell of Fourmerkland; Johnne Maxwell of Keltoun; Homer Maxwell of Carneshallot (with my hand at the pen led be William Wylie, clerk, writter of this band, at my command,—W. Wylie: Harbert Cunninghame, noter, at command of Homer Maxwell of Carneshallo); Johnne Maxwell of Kirkconell; Johnne Maxwell of Conhaith; Drumlangrig, younger; Johnne Johnstoun of Newbie; Carmichell; Trackquhair; Blakbarony; Drummailyear; James Twedie of Dreva; Patrik Porteous of Hackschaw; Johnne Vetche, fear of Dawick, for my selff and in name of my father, being present; Johnne Hay of Smythfeild; Johnne Govane of Cardrono; Michaell Hunter of Polmoode; Alexander Horsburgh of that Ilk; Cuthbert Elphinstoun of Henderstoun.—Apud Peiblis, 25 Octobris 1602: —Johnne Inglis of Mannerhead (with my hand at the pen led be James Prymrois, clerk of Counsell, at my command, becaus I can not writte); William Twedie of Wrae; William Murray of Romanno; Thomas Midlemast of Greirstoun; James Prymrois, at command of George Tait of Pirne; George Halden of that Ilk; Lawsone of Carnemure; William Burnet of Barnis Gallowsheillis; Alexander Horsburgh of Harcus.—Apud Peiblis, 23 Octobris 1602:—Johnne Sandilandis of Boyld, James Vetche in Stewartoun, James Dicksoun of Ormestoun (with our handis at the pen led be William Wylie, clerk, writter of this band,—Wylie); George Pringle of Torwodlie; James Pringle of Whytebank; Andro Ker of Yair; James Cranstoun, portioner of Bold; Thomas Ker of Swondlandhill; James Pringle, younger of Whytebank; Andro Vetche in Curok (?); Robert Scott in Stirkfield (at the pen led be William Wylie, clerk, writer of this band,—Wylie); Jonas Hammyltoun of Quotquott; Robert Murray of Orcheyaird; William Vetche of Kingissyd; Thomas Porteus of Glenkirk; Thomas Porteus in Floode; M^r^ Gedioun Murray of Elibank; David Scott of Stokmylne; George Dowglas of Bonejedburgh.—Apud Jedburgh, 28 Octobris 1602:—Hectour Turnbull of Wauchop, George Rutherfoord of Farningtoun and Raiff Ker of Schawis (with our handis

Borders. Fol. 45, b.

Fol. 47, a.

Fol. 47, b.

Borders. at the pen led be James Prymrois, clerk of Counsell, at our command); Thomas Turnbull, fear of Mynto, for myselff and for my father; Thomas Turnbull, appeirand of Wauchop, for myselff and my father; Gawin Ellot of Stobbis; William Turnbull, fear of Badrewlc, Melros; Andro Ker of Hiltoun.—Apud Jedburgh, 29 Octobris 1602:—Watt Scot of Goldielandis; Watt Scott of Tushelaw; Robert Scott, his sone; James Glaidstones of Cocklaw; Will Ellott of Fallinashe; Robert Scott of Setschellis; Watt Scot of Harden; Syme Scott of Bonytoun; and William Scot of Burnefoote in the Water of Aill (with our handis at the pen led be James Prymrois, clerk of Counsell, at our command); Cranstoun; Hundielie; Andro Ker of Lyntoun; Andro Riddell of that Ilk; Johnne Mow of that Ilk; Robert Scot of Hayning; James Dowglas of Caveris; Robert Ker of Ancrum, and as provest of Jedburgh; Thomas
Fol. 48 a. Rutherfoord of Hunthill; Johnne Pringle of Buckholme; William Dowglas, fear of Bonejedburgh; George Ker, appeirand of Caveris; Robert Frisell of Ovirtoun; Waltir Turnbull of Badrewle; Sir Johnne Ker; Walter Scott of Sterchehewis; Waltir Chisholme of the Ilk; Robert Ellot of Reidhewch; Robert Langlandis of that Ilk; Gilbert Ellot; William Scot of Hartwodmyris; Phelp Scot of Dryhope; Robert Scot of Thirlestone; Robert Scot of Aikwod; M^r William Cranstoun; William Scott of Howpaislay.—Apud Jedburgh, 29 Octobris 1602:—Wat Scot of Whithauch, James Scot of Gilmenscleugh and Johnne Dalgleishe of Dewchar (with our handis at the pen led be William Wylie, clerk.—W. Wylie); Adame Rutherfoord, baillie of Jedburgh; William Broun, baillie of Jedburgh (with my hand at the pen led be James Prymrois, clerk of Counsell, at his command); M^r Johne Rutherfoord, baillie of Jedburgh; and Johnne Allansoun, baillie of Jedburgh."

Decreta Jan.–Nov. 1617. Fol. 101, a. [Sederunt as recorded above, with the addition of *Justice Clerk* and *Sir Andro Ker*.[1]] Edinburgh, 20th August 1617.

Caption against Lord Oliphant for debt to George Heriot. Complaint by George Hereot, portioner of Collilaw, that Laurence, Lord Oliphant, remains unrelaxed from a horning of 19th July last for not paying a yearly annualrent of 200 merks for 1614, 1615, and 1617, and 40 merks of expenses for each year.—Pursuer appearing by Robert Nicolsoun, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

John Brown in Gorthy against Thomas Murray for mutilation of a mare.
Fol. 101, b. Complaint by Johnne Broun in Gorthy, as follows:—Thomas Murray in Kintocher, who bears an unjust grudge against pursuer, seeing one day a mare belonging to him "raik of the landis of Gorthy, quhair scho wes pastureand for the tyme upoun the landis nixt adjacent," went up to the mare, and cut off its tail "with a grite pairt of the rumple."—Pursuer appearing personally, and defender not appearing, the Lords order defender to be denounced rebel.

[1] The *Book of Sederunts* has the same *Sederunt* as the *Decreta*.

Caption against Alexander Home, Andrew Young, and William Turnbull, at the suit of the Tacksmen of the Customs.

Complaint by the Tacksmen of his Majesty's Customs that Alexander Home in Eist End of Ecclis, Andro Young, saddler in Kelso, and William Turnble, fiar of Badereuche, remain unrelaxed from hornings of 19th and 28th February last for not giving up a true entry of the goods transported by them to England, and of the merchandice brought in by them by land, for payment of custom, to Andro Hog, customar-depute.—Archibald Prymrois, writer, appearing for himself and the other tacksmen, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Decreta Jan.–Nov. 1617. Fol. 102, a.

Complaint by Robert Johnston of Wamphray and his brothers against John Johnston, called of Cleuchside, for violence and menaces.

Complaint by Robert Jonstoun of Wamfra, and James, Williame, and Johnne Johnstoun, his brothers, as follows:—Johnne Johnnstoun, called of Cleuchsyd, has all his life "profest and avowed him selff ane lawles and dissobedient persone, nevir acknowledgeing his Majesteis auctoritie nor obedience, bot leaveing as one who nowthir respect God, his Majestie, law, nor justice." He has committed "moist schamefull oppin and avowit oppressionis upoun the said Robert Johnnstoun, his spous, brether, and tennentis," and most wrongously enjoys the possession of the said Robert's lands without any acknowledgment. For this he has been put to the horn; nevertheless, he continues in his former wicked life, and seeks by all indirect means to have pursuers' lives. On the said Johnne, accompanied by Grahme of Gillisbie and others, all armed, went to the dwelling house of James Dynwoddie in Johnnstoun town, where the said William Johnnstoun was at the time, entered, and sought him in order to have his life. The said William saved himself by retiring to "ane chalmer end of the said house" and keeping the same till his relief by the inhabitants of the town. On , the said Johnne with his accomplices went to the lands called the Kirklandis belonging to the said Robert Johnnstoun, where William, his brother, then was, and attacked him with drawn swords to the danger of his life. On , the said Johnne, Grahame of Gillisbie, and Francie Johnestoun, son of the late Williame Johnnstoun of Kirkhill, with others, went to the dwelling house of George Johnnstoun in Greathead during William Johnnstoun's presence there, attacked him, and would have slain him had he not escaped to a chamber of the house and succeeded in keeping them out. On another occasion, defender and his accomplices went to the said Robert's own lands of Nethir Kirkhill and destroyed with axes and other instruments thirty six ash trees and all the hedges about the yards, hoping thereby to have tempted pursuers forth to their slaughter. On Sunday July last the said rebel and his friends, having heard that pursuers had gone to the kirk of Moffat, lay in wait for them at the said kirk. They attacked them as they came out from afternoon sermon, and wounded the said Johnne in the head and other parts.—Pursuer appearing personally, and defender not appearing, the Lords order him to be denounced rebel. Fol. 102, b. Fol. 103, a.

Caption against James

Complaint by Johnne Buchannane of that Ilk, assignee constituted by Fol. 103, b.

Decreta Jan.–Nov. 1617.

Johne Baillie, younger of St. Johnnskirk, that James Sandielandis of Gilliswoll remains unrelaxed from a horning of 1st August instant for not paying 1000 merks of principal and £100 of expenses.—Pursuer appearing by M^r^ Johnne Sandielandis, advocate, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Sandilands for debt to John Buchanan.

Complaint by William Dalyell, notary in Haymouth, that he has been charged, at the instance of Johnne Gray, portioner of Haymouth, to find caution for the said Johnne's indemnity in 1000 merks within a short space. Complainer found caution on 16th July last in 500 merks; and that sum should be declared sufficient, as he is a young man without lands or heritage and living entirely on what he gets by his office. The highest sum should be £40, *ie.*,—the penalty for a yeoman. For obedience however, he has found caution for the full sum.—Pursuer appearing personally, and defender not appearing, the Lords suspend the process of horning till the production of the principal letters of horning. Suspension of horning against William Dalyell.

Fol. 104, a.

Fol. 104, b.

Complaint by James Weymes of Caskyberriane, as follows:—On 8th August instant, while pursuer was walking on his own land "a litle be east his yairdis," George Allerdes of Skedny, Robert Allerdes, his eldest son, and Henry, Andro, and George Allerdes, his other sons,—who have a grudge against him because he had pursued the said laird before the sheriff of Fife for certain sums of money and had poinded his goods for payment of the same,—came towards him on horse and foot, armed with spears, lances, jedburgh staves, swords, "steilbonnetis," &c., and unmercifully assaulted him. They "ran at him with ane lance, hurte him thairwith in the craig, [and] gaif him ane wound of sevin inche lang in the craig," wounded Johnne Hillok, his servant, in the head and shoulder, and hurt him with a dirk in three fingers, wounded Waltir Inglis, his servant, in the side, and "ran him with a lance alongis the ribis."—Pursuer appearing personally, and defenders not appearing, the Lords find the charges proven, and order defenders to enter their persons within the Tolbooth of Edinburgh, and to remain there at their own expense during their Lordships' pleasure. James Wemyss of Caskiberrian against George Allardyce of Skedny and his sons for assault.

Fol. 105, a.

Complaint by Waltir Broun, one of the ordinary sheriff officers of Fyff, and Johnne Broun, his son, that, when pursuer was poinding certain goods belonging to the foresaid laird of Skeddny on the said day, and was on his way to Couper for "compriseing" of the goods, the said laird and his said four sons, armed as above, committed a most fierce assault, inflicting "divers bloody woundis in sindrie pairtis."—Pursuers appearing personally, and defenders not appearing, the Lords give decision and sentence as above. Walter Brown, sheriff-officer, against the same Laird of Skedny for assault.

Fol. 105, b.

Complaint by Thomas Moffet, messenger, and Thomas Lindsay, merchant burgess of Edinburgh, as follows:—Patrik Porteous of Halkschaw having been put to the horn at the instance of the said Thomas Lindsay for not paying £176 of principal and £40 of expenses, together with the annualrent of the said sum, the said Thomas Lindsay purchased letters Thomas Moffat and Thomas Lindsay against Walter Scott and others for assault.

of caption, and employed Thomas Moffet, messenger, by Johnne Weir, messenger, to apprehend defender. The said messenger arrested him at the dwelling house of James Geddes in Cruik of Tweddell, and prepared to carry him to the Tolbooth of Edinburgh. Whereupon Waltir Scott, son of Robert Scott, apparent of Tuschelaw, Williame Scott, son of Philp Scot of Dryhoip, James Scot, brother of the said Philp, Malcome Fleming, son of Malcome Fleming of Cordoun, Edward Hunter in Badlew, Johnne Geddes, son of Thomas Geddes in Harstane, and Thomas Porteous, servitor to Patrik Porteous of Halkschaw, with others, all armed, went to him and not only took away his prisoner, but cruelly assaulted him and his company.—Pursuer appearing personally, and defenders not appearing, the Lords find the charge proven, and give sentence as above. Decreta Jan.–Nov. 1617. Fol. 106, a.

Mr. Peter Kennewie of Kettilstoun and his wife against Harry Duncan for violence and assault.

Complaint by M^r^ Petir Kennewie of Kettilstoun, and Muschett, his spouse, as follows:—Harie Duncane of Williamscraigis, who has often sought to procure pursuer's hurt, went on last to his dwelling house and upbraided his wife. "Scho haveing with fair speitcheis convoyit him furth of the house, he of new agane utterit mony bitter and disgracefull speitcheis aganis her, unworthie to be repeitit or hard of, pat violent hand in hir, and preist verie violentlie to have strickin hir; and scho verie narrowlie eschaiped from him. And, siclyke, upoun the day of last, the said Harie haveing all that day rwn athorte the toun of Linlythqw with a drawin swerd in his hand, boisting, chaissing, and minassing his Majesteis guid subjectis being upoun the calsay of the said burgh for the tyme, in end undir cloud and silence of nicht he come to the said complenairis said house, and, with a drawn swerd in his hand, entering in at the yet thairof, invaidit and persewit the said complenairis servandis of thair lyveis, housit and dernit thame in some obscuir pairtis of the house, and with his said drawne swerd cuttit doun his haill hall windois; and thairefter come to the chalmer quhair the saidis complenairis wer lyand sleipand in thair naiked beddis, cuttit doun the windois thairof, and with mony horrible and execrable aithis avowit to pull doun the house and to burne the same about thair headis. Quhairupoun, the said M^r^ Petir haveing walkynnit out of his sleip and ryseing naiked out of his bed to see quhat the mater meant, the said Harie Duncan with the said drawne swerd hes hurte and woundit him in his hand and utheris pairtis of his body." For this insolence defender has been arrested and committed to the Tolbooth of Linlithqw.—M^r^ Peter appearing for himself and his wife, and the Magistrates of Linlithqw being present and exhibiting the said Duncane, the Lords find that defender "is a verie turbulent and disordourit persone, and that he ran athorte the toun of Linlithqw with a drawn swerd in his hand the day libellit, and that he invaidit and persewit, hurte and woundit, the said M^r^ Petir," and order him to be committed to the Tolbooth of Edinburgh, to be laid in the irons, and to remain there at his own expense during their Lordships' pleasure. Fol. 106, b. Fol. 107, a.

In the matter of the feud between Patrik Edmestoun of Welmett and

Decreta Jan.–Nov. 1617. Fol. 107, b.

Hill of that Ilk, on the one part, and Thomas Creichtoun of Cargen, indweller in Edinburgh, on the other part, the said Patrik, in accordance with a charge sent to him, appears this day, and is ordered by the Lords to find caution in 3000 merks to keep the peace with the said Thomas, and to be confined in the Tolbooth till he find the same. Patrick Edmouston and Thomas Hill.

Complaint by Alexander Harvie, bailie and burgess of Innerurie, as follows:—William Johnnstoun, *alias* Clerk, burgess of the said burgh, has conceived a deadly hatred against pursuer. On 26th June last, he went armed by way of hamesuckin to the gate of pursuer's dwelling house within the burgh, "quhair he wes in sober maner for the tyme puting his scheip furth of ane of his housis to thair pasture," and before pursuer was aware of his presence committed a cruel assault upon him by Fol. 108, a. giving him "a grite stryke and wound in the womb."—Pursuer appearing personally, and defender being also present, and pursuer having produced a rolment of the court of the burgh of Inverurie, in which defender was decerned to pay 200 merks to him as a fine for the assault, the Lords order defender to be committed to the Tolbooth of Edinburgh, to remain there at his own expense till he pay the said sum to pursuer, and till he also find caution in 500 merks for pursuer's indemnity. Alexander Harvie, bailie of Inverurie, against William Johnston for assault.

Complaint by Williame Bigholme in , as follows:—Johnne Scobie (Stobie ?), officer in Clakmannane, obtained letters from the Council charging pursuer to enter his person within the Tolbooth of Edinburgh for the alleged wounding of a "quoy" belonging to David Bigholme, pursuer's father (*ante*, p. 194). For obedience pursuer entered himself in the Tolbooth 20 days ago, and has remained a prisoner continually since that time. It is a fact that at the time of the poinding of the said animal,—which belonged to pursuer,—he had offered to pay in his father's name the sum of 8 merks, for which it was poinded, and to give his oath that it belonged to himself. He had also shown them Fol. 108, b. where they might have had poindable goods belonging to his father; "quha haveing refusit all his offeris, and geving him injurious langwage, the said complenair upoun a suddane passioun without knawledge strook the said quoy [upoun] the lege, quhilk wes litle the worse."—Pursuer and defender appearing, the Lords order the magistrates of Edinburgh to give pursuer his liberty, because he has already been 40 days in prison, and because defender has shown no cause why he should not be released. William Bigholme liberated from the Tolbooth of Edinburgh.

Fol. 109, a.

Complaint by the King's Advocate, as follows:—Sir James Forrester of Torwodheid, and Alexander Forrester, his son and heir, in manifest violation of the acts against the destruction of policies and plantations, have sent a number of workmen into his Majesty's Forest of the Torwood, who have cut, and daily cut and destroy, numbers of the best growing trees within the same. The Forest was well planted with timber, but it is now so defaced in "sindrie parcellis and pairtis" that there is not a tree to be seen. "And thair contempt is so muche the moir as that thay have done the same now in this tyme of his Majesteis being in the cuntrey, and in the sicht of strangeairis."—Pursuer and defenders appearing, the Lords, King's Advocate against Sir James Forrester and his son for cutting down trees in Torwood Forest.

"understanding that thair wes some conditionis and aggrement betuix his Majesteis Thesaurair and Thesaurair-Depute, with advise of the Lordis Commissionaris of his Majesteis Rentis, on the ane pairt, and the saidis defendairis, on the uther pairt, anent the seale of the treis within the said wood, and anent the forme and maner of the cutting of the same, and that the perfyteing of this conditioun and aggrement rests in the personis defendairis, who this lang tyme bigane hes schifted and delayit the perfyteing and fulfilling of thair pairtis of the said aggrement," order defenders to remain in Edinburgh till they agree with the Treasurer anent the fulfilment of their parts of the condition, under the pain of being denounced rebels. Decreta Jan.–Nov. 1617.

Commission to Lord Cranstoun and Douglas of Cavers for the trial of John Pringle.

Commission under the Signet, signed by the Chancellor, Mar, and Sir W. Oliphant, is given to William, Lord Cranstoun, and Douglas of Cavers, sheriff of Roxburgh, to try Johnne Pringle, in Dryburne, who is at present lying in the Tolbooth of Jedburgh on the charge of having murdered Robert Ker, son of Thomas Ker of Pryourhall. Commissions. Fol. 37, a.

The Marquis of Huntly and the Earl of Errol.

"Missives to the Marques of Huntlie and Erle of Errole to come heir the aucht of September in peciable maner accompanyed onlie with thair houshalde servandis, and to keepe thair ludgeingis quhen thay come heir; and the Marques to bring Geycht and Johnne Gordoun with him, and the Erll to bring the brether of Brunthill." Sederunts. Fol. 14, b.

Provost of Montrose.

"Missives to the provest of Monrois and Capitane Murray."

Lord Ochiltree.

"That the Lord Uchiltrie be writtin to anent the Admiralitie of Orknay."

The Earl of Argyle's infeftment in Kintyre.

"The quhilk day the Lord of Binning reportit his Majesteis will and pleasour anent the infeftment of Kintyre craved be the Erll of Argyll: to witt, that the erectioun of the landis in a Lordschip sould be omittit, and that the infeftment sould be subject to the releif of the Erllis creditouris, conforme to the Act of Parliament." (See *ante*, p. 164, footnote.)

Captives with the Turks.

"The quhilk day the Archiebischop of Glasgu, in name of the rest of the Bischoppis, promeist to reporte to the Counsell upoun the first Counsell day of October quhat the Bischoppis hes done anent the contributioun for releif of the prisonaris tane be the Turkis" (*ante*, pp. 203 and 206).

Edinburgh, 25th August 1617. Commission for the trial of Isobel M^{c}Kie for witchcraft.

Commission under the Signet, signed by the Chancellor and Hammyltoun, is given to the "schireff of Striviling and his deputis, [and] our commissaris of Striviling and Dunblane," to try Issobell M^{c}Kie in Streviling, who has been detained for some time in the tolbooth of Streviling on the charge of "wit[ch]craft, sorcerie, inchanting, charmeing, and utheris divilishe practizes." Commissions. Fol. 36. b.

Edinburgh, 10th September 1617.

Sederunt—Chancellor; Bishop of Glasgw; Huntlie; Wyntoun; Lynlythqw; Lotheane; Cranstoun; Binning; Lord Gordoun; Lord Erskine; Lord Fleming; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Advocate; Kilsaythe; Ridhous; Medop; Currihill; Marchinstoun; M^{r} Peter Rollok; Sir Andro Ker; Sir Robert Denneistoun. Acta Sept. 1617–July 1620. Fol. 125, a.

Acta Sept. 1617–July 1620.

Submission of the Marquis of Huntly, Gordon of Gicht, and other Gordons, on the one part, and of the Earl of Errol and other Hays, on the other part, to the decree-arbitral pronounced by his Majesty for stopping the feud between them.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie George, Marques of Huntlie, George, Lord Gordoun, Williame Gordoun of Geycht, Sir Alexander Gordoun of Cluny, Gordoun of Abiryeldie, Johnne Gordoun of Buckie, and Williame Hay, sone-in-law to the said Laird of Geycht, on the ane pairt, and Frances, Erll of Errole, , Lord Hay, his sone, Hay, bruther to the said Erll, Nathanaell Keythe, Hayis, brether of Bruntthill, on the other pairt. And, it being signifeit and declairit unto thame that the Kingis Majestie had gevin and pronunceit his decreit and sentence arbitrall in the materis questionable betuix thame, and that it wes his Majesteis will and pleasour that afoir his decreit wer showne unto thame that thay sould be reconsiliat and aggreit and promeis to stand to his Majesteis decreit and sentence foirsaid, and thay being demandit yf thay wer content to conforme thame selffis to his Majesteis will and pleasour in this point, thay declairit that in all reverence and humilitie thay wald acquiesce to his Majesteis will and pleasour, and thairfoir in testificatioun of thair willing obedience to his Majestie thay choppit handis one with another, and promeist to burie all formair greiffis, displeasouris, and unkyndnes standing amangis thame, and to stand and underly and fulfill the decreit and sentence gevin and pronunceit be his Majestie betuix thame."[1]

Borders. Fol. 48, a.

Renewed band by a number of the Border lairds for the good conduct of their men, servants, and tenants.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Sir George Home of Manderstoun, Home of Aytoun, Swyntoun of that Ilk, Archibald Douglas of Toftis, Alexander Home of Rentoun, Chirnesyde of East Nisbitt, Home of Huttounhall, Affiek of Cumledge, Carmichaell, appeirand of Idrem, Lummisden of Blanarne, Gilbert Ker of

[1] This entry signifies the winding up at last of the bitter feud between the Aberdeenshire Gordons and the Aberdeenshire Hays which had been dragging on latterly in the form of a prosecution in the supreme Justiciary Court of George Gordon of Gicht for the murder under colour of law, in December 1615, of Francis Hay. See vol. x. by Index, and present volume *ante*, pp. 41, 47, 51, 52, 62. The following extract from *Pitcairn's Criminal Trials*, noting the last proceedings in the Justiciary Court in this famous case, brings down the story to the latest point it had reached before the date of the present entry:—*June* 18, 1617—"The "Justice, be directioun of his Majestie, con-"tinewes this dyet to the xxvii of Junii "instant"—*June* 27. "The Justice, be "directioun of the Kingis Majestie, declairit "be my Lord Advocet, continewis all forder "disputatioun in this proces, and tryell of "the perticular crymes *respective* contenit in "the summondis, to the thrid day of the "next justice-air of the sherefdome quhair "the pairteis, als-weill persewaris as defende-"ris, duelles ('Aberdene'), or soner upone "xv dayes wairning: and ordanis the Laird "of Geicht to find caution for his compeir-"ance to the effect and in maner abone-"writtin, under the pane of 5000 merkis, "conforme to his Majesteis directioun repor-"tit be his Majesteis Advocat as said is. The "said Laird fand Williame Gorden of Rothie-"may, fear of Cairneburrow, souertie for his "entrie."—His Majesty, it is clear from this, had thought the trial of Gordon of Gicht, and the feud between the Gordons and Hays involved in that trial, worthy of his own interposition during his visit to Edinburgh. He wanted the trial ended, and arranged, as above, that it should run aground by being transferred to Aberdeen. It now appears, however, that he had taken the whole affair into his own hands, and resolved to settle it by a royal decreet-arbitral which the parties should be invited to accept.

Greneheade, Andro Ker of Graden, Johnne Langlandis of that Ilk, Borders.
Andro Ker of Auld Roxburgh, Thomas Turnbull of Minto, Williame Douglas of Bonjedburgh, Johnne Mow of that Ilk, Robert Ker of Newtoun, Walter Vetche of North Syntoun, Sir James Pringle of Gallowsheillis, Stevin Douglas of Tunpendeane, Walter Scot of Quhitsled, Robert Scott of Eidshaw, Scott of the Well, Walter Scott of Todrig, Gilbert Ellott of the Stobbis, Scott of Hassindene, Thomas Ker of Gaitshaw, George Moscrop, provest of Jedburgh, Williame Scott, callit of Pittaris, and James Wauche, baillies of Selkirk, Johnne Rutherfurde of Hunthill, Williame Ker of Lintoun, Andro Ker of Yair, Williame Ker, brother to Sir Andro Ker of Ancrum, Walter Gledstanes of that Ilk, Ragnell Bennett of Chesteris, Johnne Haliburtoun of Murronslaw, Johnne Haliburtoun of Mertoun, Williame Douglas, appeirand of Casshogill, Sir Johnne Chairterhous of Amisfield, Jardane of Apilgirth, James, Lord Torthorwall, Hew Douglas of Dalveene, Williame Menyees of Castlehill, James Menyees of Enoch, James Menyees of Auchinsell, Williame Douglas of Baitfurde, Fol. 48, b.
Johnne Maxwell of Conhaithe, Eduard Maxwell of Tynwall, Matheu Hairstanes of Beluode Craigis, Adam Cunynghame, advocat, Robert Johnnestoun of Raecleugh for him selff and as tutour to James Johnnestoun of Dunskellis, Sir James Murray of Cokpoole, James Douglas of Mouswall, James Johnnestoun of Thornik, Niniane Johnnestoun of Powdeene, Johnne Carrutheris of Holmenis, Wilkene Johnnestonn of Elshesheillis for him selff and as provest of Lochmaben, Robert Johnnestoun, provest of Annand, Thomas Johnnestoun of Castlelmilk, Eduard Irwing of Wyisbie, Robert Johnnestoun of Newtoun, Adam Murray of Drumcreiff, Fergus Grahame of Blawatuode, Adam Carlile of Brydekirk, Robert Somervile of Fintilholmes (?), Johnne Grahame of Gillesbie, Andro Johnnestoun of Kirktoun, Thomas Litle of Mekildaill, Johnne Ellott of Arkiltoun, James Johnnestoun of Westraw; and actit and oblist thame that thay and everyone of thame *respective* sall mak thair haill men, tennentis and servandis duelland upoun thair landis, and suche as thay ar oblist to ansuer for be the lawis of this realme and Actis of Parliament, ansuerable and obedient to his Majestie and his lawis. And, yf ony complaint salbe maid upoun thair saidis men, tennentis and servandis, for ony thift, reiff, fyre-rasing, slaughter, oppressioun, or other cryme or ryott, that thay sall outher tak thame and punishe thame yf thay haif jurisdictioun or then present thame to the judge ordinair to abyde thair tryall; and, yf thay flee and can not be apprehendit nochtwithstanding all laughfull diligence used to that effect, that thay sall mak restitutioun of the goodis stollin or other harme done be thair saidis men, tennentis and servandis, to the pairtie greved. And, yff ony, being maid fugitive for crymes, salbe ressett upoun thair landis, that thay salbe ansuerable for the entrie of the ressettaris to abyde thair tryall and punishment, and, failyeeing thairof, salbe ansuerable for restitutioun and redres to the pairtie skaitheit. And, last, that thay and thair saidis men, tennentis and servandis, salbe

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ansuerable and obedient to law and justice, conforme to the generall band maid to his Majestie and his Counsell in the sax hundreth and tua yeir of God" (*ante*, p. 217).

Similar band by Douglas of Bonjedburgh and Douglas of Cavers, as bailies for the Earl of Angus in Jedburgh. Forest.

Fol. 49, a. "The quhilk day Douglas of Bonjedburgh, ane of the baillies for Williame, Erll of Angus, of his landis and lordschip of Jedburgh Forrest, actit and oblist him with James Douglas of Cavers, ane other of the saidis baillies, to be ansuerable for the haill inhabitantis of Jedburgh Forrest according to the conditionis of the act abonewrittin, ay and quhill the said Erll of Angus returne within this kingdome and act him selff to be ansuerable for his awne men."

Similar band by Johnston of Wamphray, for himself and a number of his tenants.

This day appeared Robert Johnnestoun of Wamfra, and "actit and oblist" himself that he and his tenants and servants,—viz., Johnne Moffett in Hessilbank, Thomas Brydane there, Johnne Johnnestoun in Cauirbank (?), Robert Feade there, Thomas Pott there, Williame Huchiesoun in Over Cammok (?), Symone Brydane in Finglane, James Shaw there, James Adamesoun, miller of Wamphra, Williame Carrutheris in Wamfra Gait, Harbart M^cWeis there, Thomas Adamesoun there, Williame Grahame there, Williame Loirnce (?) there, Archibald Glendoning there, Roger Munches there, Paull Redik in Kilfloshe, Johnne Johnnestoun in Kilrigis, Adamesoun in Pithirst, Johnne Johnnestoun in Dalmahodder, Johnne Ritchie there, James Adamesoun in Helbreckis, Arthour Corrie there, Johnne Burges there, Johnne Bell in Moffett, Thomas Aitchiesoun there, and James Aitchiesoun there—shall be answerable in the same manner as the gentlemen of the Middle Shires (*ante*, p. 217).

Similar band by Robert Maxwell of Dinwiddie, for himself and a number of his tenants.

Fol. 49, b. Similar act by Robert Maxwell of Dynwiddie for himself and his tenants and servants,—viz., Johnne Dynwiddie in Mossyde, Adam and Robert Dynwiddie, his brothers, George Dynwiddie in Quhyteholme, Johnne Dynwiddie, his son, there, Johnne Dynwiddie in Burne, James Dynwiddie, his brother, there, Gawin Dynwiddie there, Robert Dynwiddie in Snab, Johnne Dynwiddie, his son, Thomas Dynwiddie there, James Lawsoun in Meilbank, Peter Dynwiddie in Howtoun, Williame Johnnestoun there, Johnne Johnnstoun there, called "Johnne of the Glen," Williame Smithe in Braeheade, Williame Smithe in Orchardsyde, George Clerk in Langer Hallowis, Williame Dynwiddie in Miln, Johnne Dynwiddie, his son, Johnne Pott in Wodend, Thomas Murdoche in Dammaledder, Johnne Locarbie there, Robert Johnnestoun there, Andro Craik there, Andro Smithe there, Roger Charterhous there, Andro Bradane there, Alexander Fairreis in Boig, and Thomas Dynwiddie in Burne.

Charge to Douglas of Gogar, as bailie for the Earl of Morton.

The Lords assign 1st October next as the day for the appearance of James Douglas of Gogar, bailie to Williame, Earl of Mortoun, to find caution for the Earl's tenants and servants as above.

Charge to the Laird of Johnston and other Border lairds.

Fol. 50, a. The Lords appoint the first Council day in November for the appearance of James Johnnestoun of that Ilk, Sir Thomas Kirkpatrik of Closburne, Johnne, Lord Hereis, Eduard Maxuell of the Yle, Williame Kirkpatrik of Kirkmichaell, Harbert Maxwell of Kirkconnell, Sir

Williame Douglas of Drumlangrig, Sir Williame Greir of Laig, Robert Maxwell of Carlaverok, Sir Robert Gordoun of Lochinvar, Williame Irwing, elder of Kirkconnell, and Williame Franshe of Fransheland, to find caution for their tenants and servants as above. Borders.

Rutherfurd of Hundelie and other Border lairds denounced for non-appearance.

Nicol Rutherfurde of Hundelie, Williame Turnbull of Bedreule, Walter Chisholme of that Ilk, Andro Ker of Newhall, George Haliburtoun of Pennicle (?), Robert Scott of Haning, Cokburne of that Ilk, M^r^ Robert Home of Carrelsyde, Andro Rorisoun of Bardannach, George Kirkpatrik of Auldgirth, Archibald Johnnestoun of Clachrie, Johnne Kirkpatrik of Freircars, Williame Irwing of Bonshaw, Johnne Johnnestoun of Graitnay, Eduard Johnnestoun of Ryell, Johnne Ewatt of Bodisbek, Johnne Murray of Hilriggis, called "of Aikett," Jaffra Irwing of Coiff, Archie Armestrang of Dowglen, Charlis Murray of the kirkland of Wetstirker, Jaffra Irwing of Brottis, Richard Irwing of Wodhous, James Johnnestoun of Smaillage, and Robert Johnnestoun of Corheade,—who had been summoned to appear to-day,—not being present, are denounced rebels.

His Majesty's answers on three points of Border administration referred to him.

"The quhilk day the letter underwrittin, signed be the Kingis Majestie, wes presentit to the Lordis of Secreit Counsaill, off the quhilk the tennour followis.—Right trustie and weilbelovit counsellour, we greete you weele. We haif ressavit youre letter of the 21 of August, quhairby we understand and weele allow the course tane by oure Counsell, alsweele in Churche materis as in some otheris particularis, togidder with a note of our Counsellis procedingis in Bordour affairis, quhairin ar some articlis remitted to oure consideratioun [*ante*, p. 216]. And, becaus yow crave that oure ansuer thairunto may be thair returned betuix and the tent of September, we haif pretermitted no oportunitie to send the same to yow. And, first, whereas it is craved that the officeris and landislordis in the Middle Shyris may have pouer to follow malefactoris towardis Irland, becaus the significatioun of the worde 'toward' is doubtfull, so as perfytelie we understand not quhat you meane thairby, we must answer by this distinctioun, that we ar weele pleased that thay have power to follow thame to ony sea porte, and thair, or in ane ship on oure Scottis seas, to apprehend thame; bot, yf ony landislord or officer will tak the panes ather thame selffis to follow into Irland or to send thither for apprehensioun of ony malefactour, it is oure pleasour that thay gif notice to the nixt governour, schireff, or justice that suche a fugitive malefactour is thair, requiring him to apprehend him; and we sall caus our Deputie tak ordour that upoun everie suche requisitioun the malefactour salbe delyverit to be broght bak into Scotland. Secondlie, quhairas it is craved that the landislordis on the opposite Inglishe marche may be actit for making of thair tennentis ansuerable to justice and mak redresse to complenaris, that salbe oure worke; for alreddie we have appointit the commissionaris and officeris of the North pairtis of England to be with us at Roistoun verie shortlie after Michaelmes; at whilk tyme, God willing, we sall go so far on to gif the Scottis syde satisfactioun in that pointe as by the lawis of this oure kingdome Fol. 50,

Borders. conveniently we may. Lastlie, quhairas it is craved that the landislordis may apprehend thair awne malefactoris and sitt with our commissionaris for thair tryall, to the first quhairof oure Counsaill have alreddie yeildit and we verie weele allow,—as for the secund, we rather think it fitte that commissioun be gevin to every one of thame (in respect that our commissionaris can not at all tymes be gottin togidder, and that in the meantyme the malefactouris may eschaip) that, haveing apprehendit ony notorious malefactour, proclaimed outlaw, or ony other, *flagrante crimine*, or with the rid hand, as thay call it, thay presentlie putt him to the tryall
Fol. 51, a. of ane assise and to executioun (yf so he demerite). Or otherwayes, it is sufficient that thay present him to oure commissionaris, and gi up dittay aganis him, althoght thay sitt not with oure saidis commissionaris. Thus haveing sufficientlie ansuerit everie point remittit to our resolutioun, we bid yow fairweele. Gevin at Horcosse [Hoarcross], the first of September 1617."

Decreta Jan.–Nov. 1617. Fol. 109, b. [Sederunt as recorded above.]

Edinburgh, 10th September 1617.

Caption against Sir John Home of Cowdenknowes and his son for debt to William McMath and others.

Complaint by Williame McMathe and Thomas Lindsay, merchants, and James Cairncors, maltman, burgesses of Edinburgh, that Sir Johnne Home of Coldounknowis, and Sir James Home of Quhitrig, knight, his son, remain unrelaxed from hornings of 18th and 22nd August last for not paying to pursuers, "equallie and proportionallie, as cessionaris and assignayis lauchfullie constitute be Laurence Symsoun of Craighouse," the sum of 3000 merks of principal and £300 of expenses.—Pursuers appearing by Anthone Quhyte, writer to the signet, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Fol. 110, a. Caption against the same and others for debt to Helen McMath, relict of John Nasmyth.

Complaint by Helene McMath, relict of Johnne Naismyth, surgeon to his Majesty, and Mr Patrik Murray, servitor to the Prince, now her spouse, that the foresaid defenders, as principals, and Williame, Lord Sinclair of Berridaill, James Sincler of Murkill, William Cairnecors of Colmislie, James Caircors, his son, Sir James Home of Eccles, George Home, his son, Mr William Home of Graden, George Home of Bassindane, and Johnne Home of Howlastoun, as cautioners, remain unrelaxed from hornings of 18th, 19th, 20th, 22nd, 23rd, and 26th August last for not paying the annualrent of £2100 "and that of the first end of the haill annuelrent" of £3000, and £1000 as the "terce and thrid thairof," due on Martimas 1616 and Whitsunday last, together with £100 of expenses "correspondent thairto for ilk termes failyie."—Pursuers
Fol. 110, b. appearing by the foresaid Antone Quhyte, and defenders not appearing, the Lords give order as above.

Caption against Lord Herries for debt to

Complaint by Williame Gordoun of Crauchlaw that Johnne, Lord Hereis, remains unrelaxed from a horning of 18th August instant for not
Fol. 111, a. paying £1000 of principal and £15 of expenses.—Pursuer appearing by

William Gordon.

Johnne Gibsoun, writer, and defender not appearing, the Lords give order as above. Decreta Jan.–Nov. 1617.

Caption against Sir Andrew Ker of Fernihirst for debt to George Ker.

Complaint by George Ker, tailor, burgess of Edinburgh, that Sir Andro Ker of Phairnyhirst, knight, remains unrelaxed from a horning of 8th July last for not paying £97, 3s. 8d. of principal and £20 of expenses, and also £52 of principal and £12 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order as above.

Caption against Lord Herries and others for debt to George Livingston.

Complaint by George Levingstoun, son of Robert Levingstoun at the "mylne ile of Cultenespie," that Johnne, Lord Hereis, as principal, Johnne Broun of Molance, Johnne Aslowane of Garroche, and Johnne Hereis of Crochmoir, as cautioners, remain unrelaxed from hornings of 25th and 26th August last for not paying 2000 merks of principal and £300 of expenses; and that the said Lord Hereis, as principal, and Hew Maxwell of Balgreddane, and James Maxwell, "callit of the Kill," as cautioners, remain unrelaxed from hornings of the said dates for not causing Sir Johnne Chairterhouse of Amisfeild and George Maxwell of Carnesalloche subscribe themselves as cautioners for them for pursuer's further security for the said principal sum and expenses.—Pursuer appearing personally, and defenders not appearing, the Lords give order as above. Fol. 111, b. Fol. 112, a.

Caption against James Wauch and others for debt to Sir John Murray of Philiphaugh.

Complaint by Sir Johnne Murray of Phillophauch, knight, that James Wauche in Selkirk, Gawin Murray there, Johnne Lidderdaill there, Johnne Smaill there, William Nicoll there, Mungo Johnnstoun there, Patrik Kene there, Walter Halywoll there, William Brown there, Robert Watsoun there, Mungo Nithage there, Malcome Turnble there, Andro Angus there, Johnne Kene there, Johnne Mitchelhill there, and Mungo Cavers there, remain unrelaxed from a horning of 4th February last for not paying certain sums together with £25 of expenses.—Pursuer appearing by Laurence Scot, advocate, and defenders not appearing, the Lords give order as above. Fol. 112, b.

Caption against Alexander Bruce for debt to Mr. James Hamilton.

Complaint by Mr James Hammiltoun, son of Johnne Hammiltoun of Blair, assignee of Margaret Boill, sister of Johnne Boill, now of Kilburne, that Alexander Bruce, fiar of Auchinbowie, remains unrelaxed from a horning of 10th December 1614 for not paying 300 merks of principal and £20 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order as above. Fol. 113, a.

Caption against Mr. James Martin for debt to John Heriot.

Complaint by Johnne Hereot, tailor, burgess of Edinburgh, that Mr James Martene, younger of Cardoun, remains unrelaxed from a horning of 10th April 1615 for not paying £80, 16s. of principal and £20 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order as above.

Caption against James Watson for debt to Robert Watson.

Complaint by Robert Watsoun, merchant burgess of Perth, that James Watsoun in Clasbany remains unrelaxed from a horning of 26th April last for not paying £8 for each boll of 67½ bolls of bere and £10 of expenses.—Pursuer appearing by Watsoun, his son, and defender not appearing, the Lords give order as above. Fol. 113, b.

Decreta Jan.–Nov. 1617.

Margaret Rutherfurd, relict of Mark Turnbull of Bonchester, against Walter Turnbull of Raeflat, for oppressive treatment and wrongful dispossession of her from the lands of her late husband.

Complaint by Margaret Rutherfurd, relict of Mark Turnble of Bonchester, as follows:—Her husband and his predecessors have held the "rowme" of Nethir Bonchester past memory of man, as "kindlie tennentis and possessouris to the Abbotis of Jedburgh." After her husband's death, Fol. 114, a. Waltir Turnble of Raeflat, "movit with ane unnaturall and greedy desire to acquire the richt and possessioun of the said complenairis said rowme, and resolveing outher be micht or slicht to come to his intent" upon a certain day brought all his horses and cattle to pursuer's growing corn and let them eat it. By this act pursuer and her family were reduced to poverty and sore necessity for that year. Defender also burned pursuer's writs and evidents by the hands of his servant Adam Turnble, and thereafter ejected her and her children from the property. Although he promised to underlie the censure and determination of friends for these acts, he has since refused to make any submission, and so constrained her, "with grite tormoyle, trouble, and weyreing of hir persone, to mak hir addresse to his Majestie." The King having referred the matter to the Council, the said Waltir was summoned to appear; but, "feiring to abyde the event of his tryall, he condiscendit to ane new submissioun, and sua dissapointit and pat by that dyet." As soon as he went home he reclaimed from the submission, and would not allow the judges to come to a decision.—Pursuer and defender appearing personally, the Fol. 114, b. Lords assoilzie defender from the charges of destroying the corn and of burning the writs, because he has denied them on his oath; and they remit the remaining points to the judge ordinary.

Maxwell of Dinwiddie and his servants against Johnston of Howgill and a number of other Johnstons for violence and assault.

Complaint by Thomas Craik, Johnne Ewart, and Johnne Smyth, servitors to Robert Maxwell of Dinwiddie, the said laird for his interest, and Johnne Blaik and Stevin Young, messengers, as follows:—On April last, Johnne Johnnstoun of Howgill, William, Archibald, Gilbert, and Johnne Johnnstoun, his sons, Johnne Johnnstoun, son of Williame Johnnstoun in Kirkhill, Johnne Johnnstoun there, called "Jokis Jokie," James Johnnstoun in Stephinbiging, Francis Johnnstoun, his brother, Gawin Johnnstoun, son of Cartertoun, John, George, William, James, and Richart Johnnstoun, sons of the said William, son of the laird of Howgill, Robert Johnnstoun in Dryfield, son of the same, James Johnnstoun in Rammerhill, William Johnnstoun in Kirkhill, James Johnnstoun in Nethirkirkhill, called "Robis James," James Johnnstoun, called "of Brigmure," Fol. 115, a. Johne Johnnstoun in Corties, and others, went in a very hostile manner to the lands of Dynwoddie and ejected pursuer's tenants and property most barbarously, "gorrit and strak" his cattle, and set upon pursuer's servants with the butts of lances. They possessed themselves of the said lands, and all that day, as well as before and after, lay in wait for pursuer to have his life. On last, the said two messengers went to William Johnnstoun in Kirkhill, to apprehend him at the instance of Johnne Maxwell, tutor of Aikinheid, and Jeane Dynwoodie, his spouse, for not removing from the Lands of Dynwodie. Pursuers "haveing layd hold on him and tane him be the brydill raynneis," defender pulled

out his sword, "boistit to haif slane the saidis messingeris, and pat his horse to the spuris and raid away."—Pursuers appearing personally, and defenders not appearing, the Lords order defenders to be denounced rebels. Decreta Jan.–Nov. 1617. Fol. 115, b.

Caption against Sir James Home, younger of Cowdenknowes, and others, for debt to Many Hamilton.

Complaint by Many Hammiltoun, daughter of the late Johnne Hammiltoun of St. Johnneschapell, that Sir James Home, younger of Coldinknowis, as principal, and M^r^ Williame Home of Graden, and M^r^ Johnne Home, son of the late Johnne Home of Carrelsyde, as cautioners, remain unrelaxed from hornings of 2nd, 9th, 11th, 12th, and 13th August last for not paying 6000 merks of principal and 1000 merks of expenses. —Pursuer appearing by George Ramsay, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Caption against the same and others for debt to Sir William Graham of Braco and his wife.

Complaint by Sir William Grahame of Braco, knight, and Dame Marie Edmonstoun, his spouse, that Sir Johnne Home of Coldounknowis, knight, and Sir James Home, younger thereof, as principals, and Sir James Home of Ecclis, Johnne Home, fiar of Aytoun, James Pringle, merchant, and Petir Home, burgesses of Edinburgh, as cautioners, remain unrelaxed from hornings of 2nd, 9th, 11th, 12th, and 13th August last for not paying 12,000 merks of principal and 1200 merks of expenses.—Pursuers appearing by George Ramsay, and defenders not appearing, the Lords give order as above. Fol. 116, a.

Caption against the Laird of Cowdenknowes and others for debt to George Ramsay.

Complaint by George Ramsay, fiar of Newlandis, assignee of Dame Issobell Ogilbie, Lady Kintale, with consent of her husband, Sir Johnne Seatoun, knight, that Sir James Home of Quhitrig, knight, Dame Anna Home, his spouse, and Sir Johnne Home of Coldounknowis, knight, as principals, and M^r^ William Home of Dernechester, M^r^ Robert Home of Carrelsyd, and M^r^ Johnne Home of Craighall, as cautioners, remain unrelaxed from hornings of 2nd, 9th, 11th, 12th, and 13th August last for not paying 8000 merks, with the annualrent on the same, and 800 merks of expenses.—Pursuer appearing personally, and defenders not appearing, the Lords give order as above. Fol. 116, b.

James Mure against James Henderson for assault.

Complaint by James Mure, portioner of Newtoun of Bothkenner, as follows :—On 27th August last, pursuer, while riding unarmed on "ane litle sommer naig" from his house in Newtoun towards the Torwod to visit a small "rowme" which he has beside the Torwod, was attacked by James Hendirsoun in Incheis. Defender had lain in wait for him on the highway, and, as soon as pursuer came up to the spot, came out with "ane long grite kent or staig" in both his hands, "etling to haif strakin the said complenair on the head." He hit him upon the shoulder and almost broke his shoulder blade. Pursuer made off on the nag, and defender chased him on foot till he was stopped by some people.—Both parties appearing, the Lords assoilzie defender, because he has denied the charge on oath ; and they order each to find surety in 300 merks. Fol. 117, a. Fol. 117, b.

The Lyon King of Arms and his

Complaint by Sir David Lindsay of the Month, knight, Lyoun King of Arms, and "his bretherine herauldis," as follows :—"As the Lordis of

Decreta Jan.–Nov. 1617.

brother-heralds against Robert Winraham and Thomas Williamson, two of the heralds, for appropriation to themselves of fees paid by noblemen and knights for their promotions in rank during his Majesty's late visit.

Secrite Counsaill knawis, the feis and dewteis propir and dew to be payit be noblemen and knichtis the tyme of thair creationis and preferment to thair degreis and rankis of honnoure fallis in proportionall distributioun amongis the haill herauldis and pursevantis, and nane of the nomber can clame the same in particulair to be dew to thame. And trew it is that within the tyme of his Majesteis being in this cuntrey thair is a nomber of personis who hes ressavit the honnoure of knichthood frome his Majestie, and Robert Winrahame and Thomas Williamsoun, herauldis, hes ressavit and upliftit frome thame the ordinair feis and dewteis addebtit be thame, with some forder augmentatioun to thair discretioun and benevolence,—quhilkis feis and dewteis with the augmentatioun and benevolence foirsaid the saidis Robert Winrahame and Thomas Williamsoun hes convertit and applyit to thair awn privat and particulair useis, refuiseing in ony caise to acknowledge the saidis complenaris or to mak thame compt, reckyning, and payment of thair intromissioun; bot intendis altogidder to cut thame schorte of the saidis feeis, and consequentlie to depryve and seclude the saidis complenairis fra the casualiteis of thair service, quhilk is the most important point and priviledge belonging to thair office, without remeid be providit."—Pursuers appearing by Thomas Dryisdaill, Ila Herald, and defenders appearing, the Lords refer the matter to the said Lyon King "to be tane ordoure with be him as he sall think expedient," and order defenders to give in an account of all the fees received by them from persons knighted by his Majesty since his arrival in the kingdom.

Fol. 118, a.

Robert Winraham, Albany Herald, against Thomas Drysdale, Islay Herald, for evasion of a contract between them as to their shares in an augmentation of their official fees.

Complaint by Robert Wynram, Albanie Herald, as follows:—"Be the space of yeiris lastbypast he, in name of the remanent bretherine of the herauldis and pursephantis, being of mynd to sute augmentatioun of thair feallis, quhilkis wer verie meane and small and not able to beir furth that honnest rank quhilk wes borne furth be thair predicessoris of auld, thay enterit in conferrence with Thomas Dryisdaill, Ilay herauld, quha wes of purpois to repair to his Majestie at Court, and imployit him with the passing and expeiding of thair giftis be his Heynes throw the Register and Seallis, and obtening and delivering to thame of ane decrite upoun his awne expensis, and thairupoun to put thame in possessioun thairof. For the quhilk it wes convenit and aggreit betuix the saidis heraudis and pursevantis and him that the said Thomas Dryisdaill and the said complenair sould have the first yeiris fie of thair saidis feallis,—viz., of everie herauld the sowme of twenty pundis, and of everie pursephant the sowme of ten pundis. Lyke as thairefter it wes aggreit be the said complenair and the said Thomas, inrespect he wes to repair to Court, that he sould have the tua pairt of the samyn yeiris feall, and the said complenair to have the thrid pairt. According to the quhilk, his desyre movit the bretherine, with the said complenairis selff, to subscrvye ane dischairge for uptaking of the said first yeiris feall upoun conditioun of ane bak band to have bene subscryvit be him to the said complenair for uplifting of his said thrid pairt: quhilk dischairge wes put in the

Fol. 118, b.

handis of Robert Elder, messinger, to have bene keipit quhill the samyn bakband had bene subscryvit. Natheles, he most wronguslie desyrit inspectioun of the samyn dischairge fra the said Robert Elder, and tuke the samyn away fra him without the subscryveing of the said bakband, and thairupoun hes ressavit and intromettit with the sowme of nyne score pundis money of this realme of the said feallis, and hes maid no payment to the said complenair of his said thrid pairt. Lyke as the said Thomas hes urgeit everie herauld to pay to him the sowme of sex pundis money, and everie pursevant the sowme of thrie pundis money, before the deliverie to thame of thair coittis,—of the quhilk the said complenair aucht to have the equall half. And, albeit the said complenair hes oft and divers tymes desyrit the said Thomas to deliver to him and the rest of the said bretherine thair said gift dewlie past and exped, with the said decrite gevin conforme thairto, nottheles he wronguslie refuisis to do the same without he be compellit."—Pursuer and defender appearing personally, the Lords refer the matter to Lyon King as above. Decreta Jan.–Nov. 1617.

Complaint by the King's messengers that, whereas one of the keys of the door of the old Market Cross of Edinburgh had always been in their keeping, the other being in the keeping of the Provost and Magistrates, the said Provost and Magistrates, now that the old Cross has been demolished and a new one built, insist on keeping both keys.

Complaint by the messengers of this realm, as follows:—"Befoir the dimolissing of the mercat croce of Edinburgh the dure of the said croce had tua keyis, quhairof the ane wes keipit be the saidis complenairis in ane patent place quhair ony of thame haveing to do had frie acces thairto, viz., in James Wynrame his writter buith foiranent the croce, and the uther key thairof wes keipit be the Magistratis of Edinburgh for thair adois. And now, sen the bigging of the new croce [see *ante*, p. 48, n.], the Provest, Bailleis, and Counsaill of the said burgh intendis to keip the haill keyis in thair clerkis chalmer, sua that the saidis complenairis nor nane of thame sall have acces to the said croce bot quhen thay and thair clerk keipair thairof pleisis to gif the samyn, and quhen thair chalmer dure salhappin to be oppin and patent, mynding thairby that, gif the saidis complenairis haif to do aganis ather Provest, Bailleis, Counsaill, or ony uther particulair persone who hes borne office in the said burgh of Edinburgh quhome thay favour, ather to denunce, chairge, or inhibite thame, that the saidis complenairis sall haif na acces to the said mercat croce to that effect."—Pursuers appearing by Anthone Creichtoun, messenger, and James Neisbit, bailie, appearing for Sir William Neisbit, provost, Joseph Majoribankis and Johnne Fairlie, bailies, and himself, the Lords order defenders to deliver a key of the Cross to pursuers, to be kept by them in the said booth of James Wynrame. Fol. 119, a. Fol. 119, b.

King's Advocate, and Alexander Barclay, merchant burgess of Edinburgh, against Mr. John Ferguson of Kilcarran, and David Ferguson, called "Davie the Devil,"

Complaint by the King's Advocate, and Alexander Barclay, merchant burgess of Edinburgh, now indweller in Mayboill, as follows:—M^r^ Johnne Fergusoun of Kilcarrane, and Cristeane Forrester, his mother, have conceived a deadly hatred against pursuer, and the former has made "divers unsetis" upon him. On Sunday August last, while pursuer was "returning hame" from Stratoun to his parish kirk of Mayboill upon a little "sommer naig," David Fergusoun, brother of George Fergusoun of Thraif, *alias* "Davie the Devill," with armed accomplices sent out by the two

Decreta Jan.-Nov. 1617.

defenders, came spurring after the said Alexander, and, having overtaken him, rode alongside of him for three miles,—"the said David nevir uttering of ony caus of querrell, grudge, or miscontentment aganis the said Alexander," nor pursuer offering ought in return. When they came to the partings of the highway at Kirkmichaell, "the said David Fergusoun, behind the said complenairis bak, pulling out his swerd, come feirslie upoun the said Alexander behind his bak or he could be war of him, and, etling ane stryke at his head, lichtit thairwith on his shoulder, and with the same straik cutit his cloik throw the double neck thairof and doublet and uther claithis into the skyne, and thairefter schamefullie, cruelly, and unmercifullie invaidit and persewit him of his life." Almost every day since January last the said Mr Johnne and David Fergusoun have openly carried hagbuts and pistollets.—Pursuers and defenders both appearing, the Lords assoilzie defenders, because thay have denied the charge on oath; but they find that David Fergusoun attacked pursuer as libelled, and has been wearing forbidden weapons, and therefore order him, under pain of horning, to remain within the burgh till he settle with the Treasurer. Further the Lords order the said David and pursuer to find lawburrows under the pain of 500 merks each, and not to leave Edinburgh till they have done so.

for assault and illegal wearing of firearms.

Fol. 120, a.

Fol. 120, b.

Complaint by the King's Advocate and the foresaid David Fergusoun, as follows:—On Sunday 24th August last, while pursuer was going to the kirk of Kirkmichaell, the foresaid Alexander Barclay of Pencloutie, sometime merchant burgess of Edinburgh, who was accompanied by Williame Kennedy in Mayboill, both being armed with pistollets, came forth from a hiding place, and, after uttering many threatening words, presented a "bend pistollet" at pursuer, fired it, and shot through his hat "hard be his heid."—Pursuers and defenders appearing personally, the Lords assoilzie defenders, because pursuers have failed to prove the assault, and because defenders have produced a royal remission under the Great Seal for the crime of wearing the forbidden weapons.

Counter-charge of the said David Ferguson against the said Alexander Barclay.

Complaint by the Lord High Treasurer, the Treasurer-Depute, and the King's Advocate, as follows:—Although the extension of time granted by the Council to those sellers of tobacco who had a quantity on hand at the time of the last proclamation was only to the last day of March, yet Robert Keith, merchant burgess of Edinburgh, William Robertsoun there, Johnne Sommervell, skinner there, William Frissell there, Robert Traill there, Johnne Lowsoun there, Duncane Lindsay in Leyth, Cristell Johnnstoun there, Johne Carmichaell in Edinburgh, Daniell Hall there, Andro Andirsoun there, Johne Veitch there, George Scot there, James Allebruntoun there, William Howtoun there, Thomas Blak there, Johnne Richie there, Alexander Gardner in Leith, and James Stevinsoun there have since that date sold a large quantity of tobacco, and still sell it, as if it were lawful to do so.—Pursuers appearing personally, and the said Robert Keith, William Robertsoun, Johnne Sommervell, Johnne Lowsoun, Duncane Lindsay, Cristell Johnnstoun,

Government prosecution of a number of persons for illegal sale of tobacco.

Fol. 121, b.

Fol. 122, a.

Andro Andirsoun, James Alleburtoun, and Alexander Gairdner being present, and the other defenders not appearing, and the absence of these being excused,—viz., George Scot, who was in London, Johnne Ritchie, who was in the North, and James Stevinsoun, who "wes at the saill,"—the Lords assoilzie Duncane Lindsay, Andro Andirsoun, and Alleburtoun, because they have denied the charge on oath; and they order Robert Keith, William Robertsoun, Johnne Sommervell, Johnne Lowsoun, Cristell Johnnestoun, and Alexander Gairdner, who have confessed that they had contravened the proclamation, to hand over all the tobacco which they have in their hands, together with the price of all that they have sold since the last day of March. The Lords continue the case of the absentees. Decreta Jan.-Nov. 1617. Fol. 122, b.

A chibald Campbell, brother of the Laird of Lawers, iberated from ward, on caution to restore to the Earl of Argyle certain "evidents and writs" of the Earl's that are in his possession, and to appear and answer to any charges the Earl may bring against him.

Complaint by Archibald Campbell, brother of the Laird of Laweris, as follows:—At the instance of Archibald, Earl of Ergyle, and of the Countess, his wife, pursuer was committed, by order of his Majesty, first to the Tolbooth, and thereafter to free ward within the burgh of Edinburgh,—where he now remains under caution not to leave the town and its suburbs. His Majesty has recently signified his pleasure to the Privy Council that pursuer may be liberated, "gif so be that the said Erll and his spous have nothing to produce or alledge aganis him meriting his forder detentioun."—Pursuer appearing personally, and defenders appearing by James Stewart, their servitor, the latter urge "that the said Archibald aucht not to be fred of his ward, becaus the said Erle of Ergyle, his maister, had mony thingis to lay to the chairge of the said Archibald quhilkis deservit his detentioun in waird, as namelie the withhalding fra the said Erll his evidentis and writtis quhilkis the said Erll committit to his trust and keeping, besydis sindrie uther particulairis quhilkis the said Erll had to lay to his chairge quhairof the said Erll wald gif unto the saidis Lordis full notice at his comeing to this burgh in the moneth of November nixt." Pursuer having replied that he is willing to deliver all papers relating to the Earl upon receipt of a sufficient acquittance, and that he is willing to answer the Earl's charges on any day which the Lords may appoint, the Lords free the pursuer from his present ward, and order him to find caution in 1000 merks to appear before the Council on 1st October next and to bring with him all the papers relating to the Earl, and, further, to appear on the first Council day in November next to answer the charges of the Earl. Fol. 123, a.

George Dickson against William Duncan, bailie of Musselburgh, for assault.

Complaint by George Diksoun, notary, burgess of Mussilburgh, as follows:—On 1st September instant, pursuer, while walking on the High Street of that burgh, was met by Williame Duncane, one of the bailies of Mussilburgh, with "ane lang batoun or ganging staulf with a ring of irne about the end thairof in his hand," and most shamefully "battonit" by him. Shortly after the assault was renewed with the same staff, and pursuer received a deadly wound in the head.—Pursuer and defender both appearing, and the former having produced a "rolment of court" of the town of Mussilburgh showing that defender had been convicted on Fol. 123, b.

Decreta Jan.–Nov. 1617.

9th instant for striking him on the head, the Lords order defender to pay a fine of £50 to pursuer, and release pursuer, and Johnne Vernour, burgess of Mussilburgh, his cautioner, from an unlaw of £40 inflicted by the said burgh court for pursuer's non-appearance.

William Smith against Cranstoun of Crosbie for assault.

Complaint by Williame Smyth in Ligertwood, as follows:—On August last, while on his way home from Lawder, and as he was at that part of the highway called The Cribbis, he heard a crying; and, on going Fol. 124, a. to the place, he saw Patrik Cranstoun of Corsbie striking William Donaldsoun, his own tenant. The said Laird, "haveing risin af his said tennent, come directlie to the said complenair with a fork in his hand, and with the same schamefullie, cruellie, and unmercifullie invaidit and persewit him of his lyff," and so wounded him in the back and arms that he has been unable to work for his living.—Pursuer and defender appearing personally, the Lords assoilzie defender on his statement that, "he being invaidit and persewit of his lyff with a fork be the said William Donaldsoun, quha is suster sone to the said William Smyth, and the said William being assisting the said William Donaldsoun in the persute of the said defendair," he took the fork out of Donaldson's hand, and in self-defence gave him a stroke.

Suspension of horning against James Douglas, bailie of Dalkeith, at the instance of Mr James Borthwick and Martin Traill, for not delivering up a prisoner in the Dalkeith wardhouse to be transferred for surer war to the Tolbooth of Edinburgh.

Complaint by James Douglas of Goger, bailie of Dalkeith, as follows:—James Douglas in Lugtoun was lately apprehended by letters of caption at the instance of James Borthuik, son of M^r^ James Borthuik of Lochhill, and Mairtene Traill, stranger, for not paying 2200 merks of principal and Fol. 124, b. 200 merks of expenses, and was committed to the tolbooth of Dalkeith. The said James Borthuik and Mairtene Traill, upon information given to the Privy Council that the wardhouse of Dalkeith was not sufficiently strong to prevent the escape of the said prisoner, obtained letters from the Lords charging pursuer to deliver him to the said James Borthuik, in order that he might transport him to the tolbooth of Edinburgh, under threat of denouncing pursuer as rebel. Pursuer is but one of the bailies of Dalkeith and has no power to act by himself, but must concur with Archibald Woddell by virtue of their commission of bailiary. Moreover, the said prisoner has since his committal been arrested for divers sums of money amounting to 10,000 merks. If pursuer cause him to be put to liberty, the burden of these will lie upon pursuer. Pursuer had found caution in the whole sum of the arrestments against the said James Douglas in Lugtoun to keep him in safe ward in Dalkeith till this present day, and to present him this day before the Council. Pursuer therefore claims suspension of the process of horning.—Pursuer Fol. 125, a. appearing personally and exhibiting the said prisoner, and defenders being present, the Lords suspend the process of horning, and order the said prisoner to be committed to the Tolbooth of Edinburgh, and that a copy of all the arrestments be delivered to Andro Quhyte, keeper of the Tolbooth of Edinburgh, that he may insert the same in his books. The Lords relieve pursuer of all the said arrestments.

John Fairlie against John

Fines. Fol. 34, a.

Complaint by Johnne Fairlie in Langlandis, as follows:—Pursuer, while

Cunningham of Hill and others for assault.

at the market of Kilmarnock on 9th August last, was accosted by Johnne Cwnninghame of Hill, who struck him on breast, and then, pulling out a quhinger, wounded him in the face and other parts. Soon afterwards, defender, accompanied by Robert Wallace of Brighous, William Hereis in Ricartoun, Johnne Wallace of Burnbank, Thomas Boyd in Toun-end, Alexander Cwnninghame, brother of the said Johnne, Robert Holburne, his servitor, Robert Cwninghame, son of the late George Cwnninghame in Rawis, William Crakne, merchant in Kilmarnock, and others, all armed, attacked him with drawn swords and wounded him in the face and elsewhere.—Pursuer appearing personally, and the said Johnne Cwninghame, Alexander Cwninghame, Robert Wallace, Robert Cwnninghame being also present, but the others not appearing, the Lords find the charge against the said Johnne Cwnninghame proven, and order him to pay £10 to pursuer and other £10 to the Treasurer, and also to find caution in £1000 for pursuer's indemnity, and to remain within Edinburgh till he pay the fines and find the caution. Fines. Fol. 34, b. Fol. 35, a.

Commission to the Marquis of Huntly for the apprehension and trial of criminals in Strathdon and the Cabrach.

Commission, under the Signet, signed by the Chancellor, Binning, Kilsyth, and Sir A. Drummond, is given to George, Marquis of Huntlie, to apprehend and try all persons "hanting and repairing within the boundis of Straithdowne and Cabra" belonging to the said Marquis, Earl of Enzie, Lord Gordoun and Badenoche, who are guilty of "thift, resset of thift, outputing and imbringing of theiveis in thefteous maner," and who cannot be judged by the sheriffs of the sheriffdoms wherein they usually dwell. Commissions. Fol. 37, b.

Licence to Mr. Alexander Bruce to go abroad.

Licence under the Signet, signed by the Chancellor, St. Androis, and Binning, is given to M[r] Alexander Bruce of Kincavill to go abroad for three years without skaith to his person or goods, provided he behave as a dutiful subject during his absence. Fol. 39, a.

Edinburgh, 11th September 1617.

Sederunt—Chancellor; Binning; Treasurer-Depute; Advocate; Kilsaythe; Medop. Acta Sept. 1617–July 1620. Fol. 125, a.

Act in favour of the Countess of Home, entitling her to the payment of a term of her pension of £150 from the King, her surrender of the pension notwithstanding.

"Forsamekle as, althoght Dame Marie, Countesse of Home, with advise of the Erll of Home, hir husband, hes renunceit, surrenderit, and *simpliciter* overgevin to the Kingis Majestie, ane pensioun of three hundreth pundis sterling quhilk his Majestie disponit unto hir to be payit oute of his Majesteis Rentis and cofferis of this kingdome, nevirtheles the Lordis of Secreit Counsell Commissionaris of his Majesteis Rentis declairis by thir presentis that the said surrender sall on nawayes prejudge the said Dame Marie anent the payment of hir said pensioun for the terme of Martymes lastbipast in the yeir of God j[m] vj[c] and xvj yeiris, quhilk termes payment, extending to ane hundreth and fiftie pundis sterling, is restand awand unto hir; bot that sho salbe payit of the said sowme as for the said Martymes term payment of the pensioun, notwithstanding of the said surrender, and as yff the same had never beene maid." Fol. 125, b.

Borders. Fol. 51, a.

[No record of Sederunt.]

Edinburgh, 23rd September 1617.

Band by the Laird of Touch and others.

This day Seytoun of Touche, Cranstoun of Moreistoun, and Edyair of Wodderlie, appearing personally, become responsible for their tenants and servants, according to the General Band of 1602 (*Cf.* similiar entries *ante*, pp. 225–8).

Processes. Fol. 57, b.

The *Minute Book of Processes* gives the following memoranda collectively for September 1617:—

Suspension: Baylie of Dalkeith against James Borthwik.

Ryott and wearing pistolletis: Fergusone against Barcley, *et e contra.*

Ryott: Smith against Corsby.

Letteris: Lord Lyon against Windraham and Williamsone, herauldes, for making compt of what money hes bene receaved be them at the conferring of honoris upon severall persones.

Ryott: James Muir against James Hendersone.

Rebellion: William Gordon against the Lord Hereis.

Rebellion: Graham of Braiko against Hoom of Coldingknowes.

Rebellion: M^r James Hamiltoun against Alexander Bruce.

Rebellion: Jonet Hereot against M^r James Martin.

Rebellion: Robert Watson against James Watsone.

Oppression: Margaret Rutherfoord against Walter Turnbull.

Ryott and oppression: Thomas Craik against Johnne Jonstoun, &c.

Rebellion: George Ramsey against Sir James Hoom.

Ryott: Johnne Fairly against Johnne Cunyngham.

Rebellion: Sir Johnne Murray against James Wauch.

Deforcment: James Mershell against Johnne Drumond.

Rebellion: Maney Hamiltoun against Hoom of Coldingknowes.

Bill: Advocatt against importris of tobbacco.

Letteris against the chiftanis of clannes upon the marcheis to appear to hear and sie order taken with them for keiping the peace.

Ryott: George Dikson against William Duncan.

Ryott: Oliver Donaldson against Andro Law.

Rebellion: William M^cMath against Hoom of Coldingknowes.

Ryott: Patrik Paterson against Duncan Cunyngham.

Letteris to be putt to liberty: Archibald Campbell against Marques (*sic*) of Argyle.

Supplication be the messeris for having the key of the croce of Edinburgh to lay in James Windrahames chamber.

Fol. 58, a.

Rebellion: George Livingstoun against Lord Hereis.

Letteris of publication of the rouping of the Custome and Impost of Wynes.

Rebellion: Georg Ker against Sir Andro Ker.

Rebellion: Helen M^cMath against Hoom of Coldingknowes.

Edinburgh, 1st October 1617.

Sederunt—Chancellor; Treasurer; Bishop of St. Androis[1]; Glencairne; Wyntoun; Lynlithqw; Lotheane; Bishop of Abirdene; Binning; Burley; Lord Erskine; Lord Fleming; Master of Elphinstoun; Treasurer-Depute; Justice Clerk; Advocate; Ridhous; Bruntyland; Medop; Currihill; Marchinstoun; M^r^ P. Rollok; Sir Andro Ker; Conservator. Acta Sept. 1617–July 1620. Fol. 125, b

Proclamation contradicting rumours that the previous proclamation forbidding the import of wines before the 1st of January next was to be repealed, and renewing the said prohibition and its penalties.

"Forsamekle as, the Kingis Majestie with advise of the Lordis of his Secreit Counsell haveing upoun divers goode respectis and considerationis dischargeit the homebringing of ony wynes frome foreyne pairtis untill the first day of Januair nixttocome, to the effect that in this meantyme the marcheantis who, oute of thair love and affectioun to the honnour and credite of this cuntrie, broght home far gritair quantitie of wynes for the provisioun of his Majesteis royall courte and tryne nor wes dispatcheit the tyme of his Majesteis being in this kingdome, might gett the same sauld and putt af thair handis, as in the proclamatioun maid and publist to that effect at lenth is contenit [*ante*, p. 170], notwithstanding the saidis Lordis ar informed that thair hes beene some fals bruitis and rumouris disperst and . . . oute that the said proclamatioun wes to be recallit, and [that the] homebringing of wynes for this yeir at ony tyme afoir the said [first] day of Januair nixt wes to be declairit free [see *ante*, p. 214], wherupoun div[ers of] his Majesteis subjectis, simplie gevand eare to the saidis fals bruitis [and] rumoris, intendis to mak thair preparatioun and outred for homebringing of wynes at the first occasioun quhatsoevir, quhairby [not] onlie will thay endangeir thame selffis in the pane of the said [pro]clamatioun,—quhilk is confiscatioun of all thair wynes,—bot [thay] will verie havelie hurte and prejudge thair nightbouris who [hes ane] grite quantitie of the last yeiris wynes yitt lyand on thair ha[ndis], without remeid be providit: Thairfoir ordanis letteris to be d[irect] chargeing officiaris of armes to pas to the mercatt croce [of Edin]burgh and otheris placeis neidfull, and thair be oppin pro[clamatioun] to intimat and declair to . . . . . [that the bruitis and] rumouris foirsaidis anent the [recall] of the said proclamatioun [is] fals, and that thay wer dispersit and gevin oute without ony [certane ground] or warrand; and thairfoir to command, charge, and inhibite all and sindrie his Majesteis liegeis and strangearis as of befoir be oppin proclamatioun at all placeis neidfull that nane of thame presoome nor tak upoun hand to bring to this cuntrie frome foreyne pairtis ony wynes Fol. 106, a.

[1] Archbishop Spotswood had just returned from England, where he had been ever since the close of the King's visit to Scotland,—having then gone to "the baths" for the benefit of his health. This we learn from Calderwood, who had good reason for taking note of the Archbishop's movements about this time. Ever since the 28th of July, when Calderwood had been released from his confinement in the Edinburgh Tolbooth on caution for his going into banishment out of his Majesty's dominions (see *ante*, p. 203 and footnote), the worthy man and his friends had been exerting themselves to obtain either a mitigation of his sentence or a postponement of the time of his going into banishment; and his own belief was that Archbishop Spotswood was the chief impediment in the way of such an indulgence from his Majesty.

Acta Sept. 1617–July 1620.

quhill the said first day of Januair nixttocome, under the pane of confiscatioun of the wynes sua to be broght home to his Majesteis use; certifeing thame that sall do in the contrair that the saidis wynes salbe confiscat and escheit to his Majesteis use."

Proclamation for strict enforcement of the Acts against killing wildfowl by "indirect means, such as hacquebut, girn, net, and fowler-dog," with order to all magistrates accordingly.

"Forsamekle as, albeit thair hes beene divers Actis of Parliament maid be the Kingis Majestie and his predicessouris of famous memorie dischargeing the slaying of wyldfoull be ony indirect meanis, suche as hacquebute, girne, nett, and foullair doig, and the bying and selling of the same, under certane panes mentionat and contenit in the saidis actis, nevirtheles the not executioun of the saidis Actis in tyme bigane hes gevin occasioun of ane universall contempt and brek of the same throughoute all the pairtis of the cuntrie, swa that the said wyldefoullis ar als commounlie slayne by indirect meanes and sauld and boght in oppin mercatt as yf thair had bene no prohibitioun nor discharge of the same; and quhairas thair hes bene so grite a distructioun and slaughter of all kynd of wyldefoull this laite somer within this kingdome as, yf some course and ordour be not tane for preserveing and haning of the same in tyme comeing, it is verie liklie that this cuntrey, quhilk verie plentifullie aboundit with wyldefoull, sall become altogidder barren of the same: Thairfoir his Majestie with advise of the Lordis of his Secreit Counsell resolvit and concludit that the Actis of Parliament maid and publist heirtofoir aganis the indirect slaying and aganis the bying and selling of wyldfoull salbe putt to executioun and that the contravenaris thairof salbe accordinglie punist without favour: for whilk purpois ordanis letteris to be direct to command, charge, and inhibit all and sindrie his Majesteis liegeis and subjectis be oppin proclamatioun at the mercatt croceis of the heade burrowis of this realme and otheris placeis neidfull that nane of thame presoome nor tak upoun hand to slay be ony indirect meanis, suche as hagbute, girne, nett, and foullair doig, nor to sell or by ony kynd of wyldefoull,—as namelie partridgeis, moorefoullis, blakcokis, aithhennis, termigantis, wylde dukis, teillis, atteillis, goldingis, mortynes, St. Chidderin[is], skell draik, heroun, butter, or ony suche kynd of foull commounlie used to be chaissed with halkis, under the pane of ane hundreth pundis to be incurrit be everie persone or personis, alsweele
Fol. 126, b. slayair, sellair as byair,[1] . . . this present act, and, incais of thair inhabilitie to pay the said sowme, to be scourgeit through the burgh or toun quhair thay salbe apprehendit; and to command and charge all and sindrie magistratis to burgh and land that thay have a speciall cair and regaird to see the saidis actis and this present proclamatioun preceislie keept and the contravenaris accordinglie punist, as thay and everyone of thame will ansuer upoun the dewtifull discharge of thair officeis."

Charge to Sir William Douglas of Drumlanrig, Sir George Auchinleck o

"Forsamekle as, some of the Commissionaris of Parliament appointit and nominat for Plantatioun of the Kirkis [*ante*],[2] haveing this day convenit in the Counsalhous of Edinburgh of purpois to haif begun to the executioun of the said Commissioun, thay have reportit unto the

[1] See Act of Parliament of 1599.

[2] Pp. 163, 169, 205, 206.

Balmanno, and Sir Andrew Murray of Balvaird, who have been absent this day from the meeting in Edinburgh of the Commissioners for the Plantation of Kirks, to give due attendance at the next meeting in November, that the business may not be impeded.

Lordis of Secreit Counsell that, inrespect of the absence of some of thair nomber, especiallie of Sir Williame Douglas of Drumlangrig, Sir George Auchinlek of Balmanno, and Sir Andro Murray of Baluaird, three of the Commissionaris nominat for the small baronis, thay could not proceid to the said Plantatioun, and that the executioun of the said Commissioun is lyke to be verie far frustrat and disapointit by the absence fra tyme to tyme of sindrie of thair nomber without a lauchfull and knowne caus, heighlie to the offence and miscontentment of our Soverane Lord and aganis the promeis and oathe maid be the Commissionaris alsweele to the Esteatis as to his Majestie him selff for thair cairfull and diligent attendance upoun the haill dyetis of the said Commissioun [*ante*, p. 169]: Thairfoir ordanis letteris to be direct chargeing the personis foirsaidis to addresse thame selffis to the burgh of Edinburgh, and to convene and meit with the rest of the Commissionaris in the Laich Counsalhous of Edinburgh upoun the day of November instant, and to attend upoun the executioun of the said Commissioun according to the tymes and dyetis to be appointit be the remanent Commissionaris, under the pane of rebellioun, &c., with confiscatioun, &c." Acta Sept. 1617–July 1620.

Band by the Earl of Home and others.

This day Alexander, Earl of Home, Nesbitt of that Ilk, Edmestoun of that Ilk, Rentoun of Billie, and George Rutherfurde of Fairningtoun, appearing personally, become responsible for their tenants and servants in accordance with the General Band of 1602 (*ante*, p. 217.) Borders. Fol. 51, a.

Edinburgh, 1st October 1617.

[Sederunt as recorded above.] Decreta Jan.–Nov. 1617.

Caption against Sir John Home of Cowdenknowes, his sons, and others, for non-fulfilment of contract with Mr. Nicol Brown and his sons regarding certain lands.

Complaint by M^r^ Nicoll Broun, merchant burgess of Edinburgh, for himself and James and Johnne Broun, his sons, that Sir Johnne Home of Coldounknowis, knight, Sir James Home of Quhitrig, knight, as principals, M^r^ William Home of Graden, Johnne Home of Howlatstoun, William Cairnecors of Colmislie, James Cairnecors, his son and heir, George Home of Bassindane, and Robert Cairncors and Robert Trotter, merchant burgesses of Edinburgh, as cautioners, remain unrelaxed from hornings of 4th, 5th, 14th, and 16th August last for not keeping the contract made between the said Sir Johnne Home, his said son, and their cautioners, on the one part, and pursuers, on the other, dated 13th June 1617, and especially for not seising pursuer in the lands of Mersintoun, for not warranting the said lands to be worth 400 merks per annum, and for not paying the said annual rent for the years still owing, together with 600 merks of expenses.—The said M^r^ Nicoll Broun appearing for pursuers, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Fol. 125, a. Fol. 126, a.

Charles Cairncross against William Borthwick for assault.

Complaint by Chairlis Cairnecors of Birksneip that William Borthuik in Walterstoun, his son-in-law, who has conceived a deadly hatred against him, assaulted him with a drawn sword on Sunday 14th September last

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as he was going about his own corn, unarmed, after the sermon, and wounded him in the face and right hand.—Pursuer appearing personally, and defender not appearing, the Lords order defender to be denounced rebel.

Fol. 126, b.

Caption against Harry Wood of Bonytoun for debt to John Daill.

Complaint by Johnne Daill, merchant burgess of Edinburgh, that Harie Wood of Bonytoun remains unrelaxed from a horning of 11th May 1616 for not paying 200 merks of principal and £20 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against John Kirkpatrick of Friarcarse, James Kirkpatrick of Dempstertoun, and another, at the instance of Mr. Thomas Henderson, procurator for the kirk of Dunscore, and Mr. George Black, minister of Dunscore, for non-payment of dues and contributions.

Complaint by Mr Thomas Hendirsoun, advocate, procurator for the kirk of Dunscoir, and Mr George Blak, minister at Dunscore, in these terms:—Johnne Kirkpatrik of Freircars, James Kirkpatrik of Dempstertoun, and Johnne Bartane in Lachlie remain unrelaxed from a horning of 28th August last, as follows:—the said Johnne Kirkpatrik and Johnne Bartane, at the instance of the said procurator, for payment of £100 and 20s. respectively, being their shares of the stent uplifted from the parishioners of Dunscore for repairing the kirk, to be paid to Thomas Greirsoun and Robert Greirsoun, collectors; the

Fol. 127, a.

said Johnne Kirkpatrik, at the instance of the said Mr George Blak, for not paying £40, together with 60 teind lambs, 40 stones of teind cheese, ten stones of teind wool for 1616 and 1617; the said Johnne and James Kirkpatrik, at the instance of the said Mr George, for not paying 13s. 4d. for each merkland of the thirty-pound land of Monkland, and 13s. 4d. for each merkland of the lands of Dempstertoun, respectively, "as a voluntair contributioun appointit and set doun with thair awne consentis for the said complenair his use"; the said Johnne Kirkpatrik for not paying the said minister £22 for the parsonage and vicarage teinds of his thirty-pound land of Monkland, and the said James for not paying to him 1½ bolls of meal "of the measoure of Nithe," together with 5 teind lambs, 1½ stones of wool, 1 stone of teind cheese, 1 stone of teind honey, 5 cart-loads of teind hay, 1 quarter of teind hemp, 1½ quarters of teind lint, 1 teind 'stirk'—for the year 1613; the said John Kirkpatrik, at the instance of the said Mr George, for not paying £10 for the parsonage and vicarage teinds of Monkland for 1612, and the said James, at the same instance, for not paying 1½ bolls of meal "of the measoure of Neth," as teind for his lands of Swyre and Barquhindrie for 1613 and 1614.—Pursuers appearing personally, and defenders not appearing, the Lords give order as above.

Fol. 127, b.

David Mitchell against the sons of the Laird of Craighall and David Seytoun for trespass and assault.

Complaint by David Mitchell in Craighall, as follows:—On September last, David, Johnne, James, and Williame Kynninmonth, sons of David Kynnynmonth of Craighall, and David Seytoun, son of the late George Seytoun of Parbroith, who have a grudge against pursuer, brought a number of kye and oxen to the Maynis of Craighall, for which pursuer pays a heavy rent, and tethered them "upoun a sched of his peis" till they had destroyed a great quantity of the same. Pursuer, on learning

what had been done, went to them and sought an explanation, and endeavoured to remove the oxen from his peas. Whereupon the five defenders attacked him with "squair battonis," and gave him many bloody strokes upon the head and other parts.—Pursuer appearing, and defenders not appearing, the Lords order defenders to be denounced rebels. Fol. 128, a.

John Carruthers of Holmains, and tenants of his, against George and William Carruthers, his brothers, for riot and assault.

Complaint by Johnne Carrutheris of Holmaynis, James Nicolsoun in Over Almagill, David Bell there, Jonet Beck, his spouse, and Issobell Hauch, spouse of the said James, tenants of the said laird, as follows:—George and William Carrutheris, brothers german of pursuer, have conceived a great hatred against him, and have often tried to bring about his "hurte, wraike, or inconvenient." On 8th September last, defenders, having heard that he had gone to Edinburgh to appear before the Council on the 10th, went to his lands of Almagill, accompanied by Frances Carrutheris, son of the said George, and George Carrutheris, son of Jok Carrutheris, called "Quhyte Jok in Litle Datoun," all armed with swords, "langstaulfis," &c., set upon the said laird's said tenants, wounded James Nicolsoun and David Bell with swords, and struck their wives with "staulfis and treis." The said William also assaulted James and Elspeth Carrutheris, pursuer's son and daughter, who happened to be there, by hitting the former with his "fauldit nevis" upon the face and head to the effusion of much blood, and by "harling" the latter by the hair of her head across the ground. In going away they took with them 24 head of nolt and 84 sheep, which they still keep.—David Bell appearing for himself and his spouse, and M^r James Ogrie appearing for the other pursuers, and defenders not being present, the Lords order defenders to be denounced rebels. Fol. 128, b.

Caption against Sir Dugald Campbell of Auchinbreck for duties owing to the Bishop of the Isles.

Complaint by Andro, Bishop of the Iles, that Sir Dougall Campbell of Auchinbrek, knight, remains unrelaxed from a horning of 18th September last for not paying 100 bolls of bere "for the tak dewtie of the teynd schavis, grite and small, personage and viccarage, of the sevin illis of Barra and small ilandis belonging thairto" for 1612, 1613, 1614, 1615, and 1616, or 40s. for each boll for each of these years.—Pursuer appearing by Bryse Semple, servitor to the Earl of Glencairne, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 129, a.

Caption against Otterburne of Reidhall for debt to the children of the late Robert Stewart.

Complaint by Jonet, Margaret, and Christeane Stewairt, children of the late Robert Stewart in Leyth, and James Wynrame, portioner of Sauchtounhall, their tutor, that Thomas Ottirburne, elder of Reidhall, remains unrelaxed from a horning of 20th March for not paying 300 merks of principal and £40 of expenses.—Pursuers appearing by Adam Kellie, and defender not appearing, the Lords give order as above. Fol. 129, b.

Order for the liberation of John Kneland and John Kirkpatrick, prisoners for

Complaint by Johnne Kneland, son of Robert Kneland in Farnelaw, and Johnne Kirkpatrik in Cloisburne, as follows:—They have been kept in irons in the Tolbooth of Edinburgh for about 14 weeks for "thair being upoun the feildis and alledgeit airt and pairt of the slauchter of

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umquhill Andro Kyninmonth, sone to David Kyninmonth of Craighall, commitit in the moneth of Junij last." His Majesty, having been informed of their innocence, has granted unto them a remission. Pursuers since then have been "upoun thair awne chairgeis, and had nothing bot that quhilk honnest men gaif thame; for, not aucht dayis before thay happynit in this unhappie accident, the saidis complenairis had baith thair housis, with thair haill insicht and goodis, brint and distroyit with suddane fyre, and nothing left thame thairof."—Johne Kneland appearing by Helene Litle, his spouse, and Johnne Kirkpatrik appearing by Johnne Kirkpatrik, his father, and defender not being present, the Lords, in consideration of the royal remission, order the magistrates of Edinburgh to liberate pursuers.[1]

alleged concern in the slaughter of Andrew Kininmonth.

Fol. 130, a.

Complaint by the King's Advocate, as follows:—"Thair is a nomber of personis, burgessis and inhabitantis of the burgh of Bruntiland,—as, namelie, Johnne Boiswell, skipper, James Ramsay, couper, Johnne Weymes, mariner, Johnne Bowie, merchant, James Quhyte, maltman, William, Harry, and Eustatious Robertsoun, maryneris, and Alexander Broun, maltman,—who this yeir bigane hes verie fer disturbit the peace and tranquillitie of the said burgh, hes alienat and withdrawn the hairtis of the inhabitantis frome thair magistratis, hes distractit and rent in a maner the body of the said burgh by fostering and interteneing of factionis within the same. And thay brocht the said burgh, quhilk of lait wes composit of a nomber of peciable, modest, and obedient inhabitantis, in that estaite and conditioun that now the obedience of the magistrat is cassin af, and thair is no civile societie within the said burgh, bot a miserable distractioun in hairt and opinioun amongis the inhabitantis, quhilk is and will procure the utter ruyne and ovirthraw of the said burgh, gif present ordour be not tane with thir personis who are the cheif and principall ringleidairis in this confusioun and disordour. As, namelie, the saidis personis upoun the day of Maij last most unlauchfullie, factiouslie, and seditiouslie convocat and assemblit togiddir a grite nomber of the inhabitantis of the said burgh, without the presence of the magistrat, first in the kirk about fyve in the cloik in the moirning, and that same day in the efter noone at the . And upoun the day of Junij last thay maid the lyke unlauchfull convocatioun in the tolbuith of the said burgh, and proudlie and arrogantlie usurpit upoun thame the auctoritie of the magistrat. Thay directit and send ane of thair nomber for Robert Richardsoun, baillie, willing him to come to the tolbuith to speik with thame. And, he haveing out of simplicitie past unto thame to undirstand the caus of thair factious

King's Advocate against a number of burgesses and inhabitants of Burntisland for disturbing the peace of the burgh, resisting the Magistrates, &c.

[1] In *Pitcairn* (III. 429–430) is a record of the trial, on the 16th of July 1617, of John Kirkpatrick, servant to Mr. Walter Kininmonth of Callinche, for art and part with a number of others,—among whom are mentioned two sons of Robert Cleiland of Fermlaw,—in the slaughter of Andrew Kininmonth. He was found guilty by a majority of the assize; but sentence was postponed, and Pitcairn notes that there are no further entries in the case. The present text furnishes the explanation. The slaughter was evidently a mere incident in a family feud.

meeting and to have admonischet thame of thair dewteis and of the perrell and dainger quhairin thay wer lyke to involve thame selffis by suche doingis, thay, howsoone he come in amongis thame, causit cloise the tolbuith duris, maid sindrie propositionis to the baillie, and delt and travellit with him ane long tyme, sumtyme by threatning and minassingis and sometymes by intreaty, to joyne with thame in thair mutinous resolutionis, and held and detenit him with thame as a cloise prisonner a long tyme; quhill in end, persaveing that the reverend respect and regaird of the law wes so powerfull in the said baillie that he disdaned to gif eare to thair foolische and mutinous propositionis, thay dimitit him and lat him go. And, not content with this forme of convocatioun and meeteing, thay began to presoome so far of thair pouer and force within the said burgh that verie proudlie and malapairtlie thay took upoun thame the office and auctoritie of the magistrat, [and] appointit thair meetingis with sound of drum. As, namelie, upoun the day of the said moneth of Junij last, thay send tua drumis throw the said burgh commanding the inhabitantis to convene and meete with thame. Thay haif appointit and nominat commissionaris,—as, namelie, the saidis Johnne Boiswell, Johnne Bowy, James Ramsay, and Johnne Murray,—to negotiat thair effairis; thay haif imposit and layd taxationis upoun the poore inhabitantis, the bettir to mak thame to prosequute and follow oute thair factious courses; and, for exacting and extorting frome the inhabitantis of this taxatioun, thay have nominat and appointit the said Johnne Weymes and William Murray thair collectoris. And, generallie, thay haif careyed and caryis thame selffis so dissolutelie and contemptuouslie within the said burgh, in disdane and contempt of thair magistratis, as gif thair wer not prince nor justice within this cuntrey to controll thame."—Pursuer appearing personally, and the said Johnne Bowy, Alexander Broun, and James Quhyte being also present, but the other defenders not appearing, the said Johnne Bowy and Alexander Broun confessed that they and some others had met within the kirk as libelled. The Lords order them to be committed to the Tolbooth of Edinburgh, to remain there at their own expense during their Lordships' pleasure, and Johnne Boiswell, James Ramsay, Johnne Weymes, Williame, Harry, and Eustatious Robertsoun to be denounced rebels.

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Fol. 131, a.

Daniel Knight, smith in Duddingston, against John Ker for assault.

Complaint by Daniell Knycht, smith, indweller in Dudingstoun, as follows:—On August last Johnne Ker, son of James Ker in Dudingstoun, went to the lands of , where pursuer was, most cruelly assaulted him with a great "rung," and gave him three wounds in the head, besides others in divers parts. Defender renewed the assault the same day, pulled out pursuer's own quhinyer, and threatened with many horrible oaths to have pursuer's life if he complained of the former attack.—Both parties appearing, the Lords assoilzie defender, because pursuer has failed to prove his charges.

Fol. 131, b.

Counter charge of

Complaint by foresaid defender against foresaid pursuer. While the

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said Johnne was, on last, in the harvest field with his shearers, the said smith, his own tenant, who had "spent the maist pairt of that day in drinking in the toun of Dudingstoun,—quhair oute of his distemperit humoure he oppinlie said that he wold come to the ground of the said complenairis harvest field and mak sic ane reill thair as the lyke had not bene sene,"—came up to him with "ane grite lang kent" in his hand, assaulted him most cruelly, and felled him to the ground.—Both parties appearing, the Lords find the charge proven, and order the said Daniell Knycht to be detained in the Tolbooth of Edinburgh during their pleasure. assault against the said Daniel Knight by the said John Ker.

Fol. 132, a.

Complaint by the Treasurer, Treasurer-Depute, and King's Advocate, as follows:—Andro Sklaitter, merchant burgess of Edinburgh, Umphra Gray, William Biggar, Johnne Lawsoun, James Braidfute, Nicoll Yule, Helen Skarlett, burgesses there, Alexander Nicoll in Leyth, George Carnebie, Waltir Yule, Elizabeth Wallace, relict of Finlasoun, George Glendoning, Johnne Keir, burgesses there, Mungo Carmichaell, tailor in Leyth, James Tarbet in Leith, Niniane Broun there, Katherine Stevin there, Bessie Stevin, her sister, there, Gilbert Hunter there, Andro Schaw there, Williame Law there, Thomas Smyth there, Hendrie Andersoun there, Johnne Geddes there, David Young, surgeon in Leyth, Thomas Robesoun there, Frances Killoch there, Williame Mathesoun, bellman there, Williame Downe there, Thomas Gourlay there, Katherine Kant, spouse of George Smyth, merchant burgess of Edinburgh, William Symsoun there, Johnne Slowane there, Andro Borthuik there, Patrik Allane there, Robert Carbraith there, William Wilsoun in Leyth, Alexander Banes there, Margaret Yule there, James Lowrie there, Johnne Lowkop there, James Blyth, skipper there, Marioun Stevin, spouse of Gilbert Woddell there, Johnne Stewart there, Johnne Mure there, James Wallace there, have dealt in tobacco since the last day of March (*Cf. ante*, p. 235, &c.), and should therefore pay the penalties named by the proclamation.—Pursuers appearing personally, and the defenders, except Andro Sklaitter, Umphra Gray, Johnne Lowsoun, Helene Skarlet, Elizabeth Wallace, Hairy Andersoun, Williame Downie, Andro Clerk, Andro Borthuik, Robert Carbraith, William Wilsoun, Margaret Yule, James Lowrie, Johnne Stewart, and Johnne Mure, appearing, the Lords find that the said James Tarbet, William Low, James Killok, William Symsoun, Johnne Slowmane, Nicoll Yule, James Braidfute, and William Bigger have contravened the proclamation according to their own confession, and order the confiscation of all tobacco in hand, together with the price of all tobacco sold since the last day of March. The Lords assoilzie the remaining defenders who have appeared, and order the foresaid absentees to appear before them under pain of rebellion. Government prosecution of a number of persons in Edinburgh and Leith for illegal dealings in tobacco.

Fol. 132, b.

Fol. 133, a.

Fol. 133, b.

Complaint by Dame Margaret Hammiltoun, Lady Kirkmichaell, relict of Sir Alexander Kirkpatrik of Kirkmichaell, as follows:—Pursuer during the life of her husband delivered the keys of her barn of Kirkmichaell to certain of her tenants who dwelt near it. After her Lady Kirkmichael against her son and others for interference

with her property.

husband's death, she sent Cokburne, her servant, for the keys, that she might have the corn within threshed, sell the same, and so defray the expense of her husband's funeral and other debts which he had incurred. The keys were delivered; but the said servant was met by Johnne Kirkpatrik, second son of pursuer, accompanied by William Kirkpatrik, now of Kirkmichaell, Johnne Chairteris, notary, Edward Adamsoun, miller at Kirkmichaell Mill, Johnne Wilsoun there, Johnne Robesoun there, Jok Acorie "of the Langholme," and others, all armed, and with many horrible oaths and threats was ordered to deliver them up. Defenders thereupon took the keys by force. It is their intention to thresh the corn and dispose of it at their will.—Pursuer appearing personally, and Williame Kirkpatrik appearing for himself and the other defenders, the Lords remit the matter to the Lords of Council and Session. Decreta Jan.–Nov. 1617. Fol. 134, a.

King's Advocate against William Rutherfurd and Alexander Hamilton for illegal exportation of tallow.

Complaint by the King's Advocate that William Rutherfurd, skipper in Leith, and Alexander Hammiltoun, skipper there, have lately barrelled a large quantity of candle, tallow, and cheese, and have shipped the same furth of this kingdom in plain violation of the Acts of Parliament. —Pursuer and defenders appearing, the said William Rutherfurd confesses that his mariners with his knowledge had shipped 8 stones of candles and 4 "firykeinis" of butter, and the said Alexander grants that he had shipped a certain quantity of tallow and butter. The Lords therefore order the confiscation of the said tallow and butter, together with all defenders' moveable goods. Fol. 134, b.

In the matter of the feud between Leith of Newlands and Leslie of Auldcraig.

This day appear M^{r} Williame Leith of Newlandis, on the one part, and George Leslie of Auldcraig, on the other part, for obedience to part of the decreet arbitral pronounced by the Lords on 17th July last (*ante*, p. 193). The said M^{r} William produced a letter of slanes, subscribed by him and his friends; and the said George Leslie produced an obligation, signed by himself as principal, and by the Lairds of Boquhen and Pitcaple, as cautioners, anent the payment of 3500 merks to M^{r} Williame. The Lords deliver the said letter of slanes to the said George Leslie, and the obligation to M$_{r}$ William Leith.

Order for the liberation of Robert Shorts, prisoner for debt in the Canongate Tolbooth.

Complaint by Robert Schortes, sometime in Dalry Mylnes and now in Leith, that he was arrested on 27th September last by the bailies of the Cannogait and committed to the tolbooth there, where he is like to perish "for fault of sustentatioun." He is ignorant of his offence.—Johnne Thomesoun and James Aytoun, bailies of the Cannogait, and Elen Rob, relict of Adam Cok, appearing, and pursuer being exhibited, the said magistrates declare that pursuer was arrested by them in virtue of letters of caption executed by Johnne Hairt, messenger, at the instance of the said Adam and his wife, for non-payment of £150 of principal and £5 of expenses. Pursuer replies that in July last, when in the tolbooth of Leith at the instance of the said Adam Cok for not paying £80, he obtained a decreet from the Lords ordering his release, "upoun ane assignatioun exhibite and consignit be him before the saidis Lordis, quhairby he maid the saidis personis his creditouris and ilk ane of Fol. 135, a.

Decreta Jan.–Nov. 1617. Fol. 135, b.

thame his cessionairis and assignais in and to the haill goodis, geir, and debtis presentlie pertening to him and quhilkis he salhappin to acquire and conqueis heirefter, ay and quhill thay and everie ane of thame be payit." Pursuer having produced the decreet, dated 16th July last, the Lords order the said bailies to liberate pursuer.

Commissions. Fol. 38, a.

Commission under the Signet, signed by the Chancellor, Mar, and Binning, is given to the Captain of the Guard, the Sheriff of Fyff, the Steward of Fyff, the Steward of the regality of St. Androis, and their deputes, Sir Johnne Weymes of that Ilk, Sir James Weymes of Bogy, Sir Johnne Prestoun of Airdrie, and James Stewart of Barra, to apprehend, by force, if necessary, and exhibit before the Council, Marie Seatoun, spouse of David Kyninmonth of that Ilk, Patrik, Andro, David, and John Kinynmonth, her sons, who remain unrelaxed from a horning of 5th August 1616, at the instance of David Hammiltoun, Edward Kincaid, and Stewart, three of the Guard, for not appearing before the Council in answer to the charge of having resisted them with unlawful weapons during the execution of a warrant for taking the place of Craighall, and for having assaulted them, and spoiled them of their arms. The commissioners are also to arrest the said David Kyninmonth of that Ilk, Marie Seytoun, his said spouse, and the said four sons, and Andro Traill of Bamill (?), who remain unrelaxed from a horning of 26th January 1616, at the instance of James Hammiltoun, one of the ordinary macers, for failing to find caution for his indemnity.

Commission to the Captain of the Guard and others for the arrest of David Kininmonth of that Ilk, his wife, and four of his sons, at the horn for deforcement of officers.

Fol. 38, b.

Sederunts. Fol. 15, a.

"The quhilk day the Archiebischop of St. Androis tooke the first Counsell day of December to reporte the diligence of the ministrie anent the contributioun for releif of the prisonneris tane be the Turk."

Captives with the Turks.

Fol. 15, b.

"The baillies of Edinburgh tooke the first Counsaill day of November to reporte the Burrowis ansuer anent the frauchting of strangearis shippis" (*ante*, p. 203).

Anent the freighting of foreign ships.

"The Customes being roupit, and viij^{xx} scoir thousand merkis biddin be the Customaris, thay wer overbiddin ane thousand merkis be M^{r} James Raithe; quhairupoun the Customaris depairtit, refuseing to bid ony mair."

Roup of the Customs.

"Ane act anent the modificatioun of the rewarde of these who attendit his Majestie during his aboade heir."

Rewards for attendance on his Majesty.

Sederunt—Chancellor; Treasurer; Binning; Treasurer-Depute.

[Edinburgh], 2nd October 1617.

"The Lordis allowis to James Murray, maister of Worke, ij^{m} lb. in consideratioun of his extraordinair travellis in his Majesteis service thir yeiris bigane."

Allowance to the Master of the Works.

Commissions. Fol. 39, a.

Commission under the Signet, signed by the Chancellor, is given to Sir Walter Stewart of Mynto, knight, bailie depute of the regality of Glasgow, and the provost and bailies of Glasgow, to try Thomas Neill, "cordiner" in Glasgow, for the murder of his wife in his own house. The said Thomas fled to Leith after the crime, but was there apprehended.

Edinburgh, 11th October 1617. Commission for the trial of Thomas Neill for wife-murder.

Edinburgh, 22nd October 1617.

Sederunt—Chancellor; Roxburgh; Viscount of Lawdirdaill; Binning; Master of Elphinstoun; Treasurer-Depute; Bruntiland; Medop; Ridhouse; Marchinstoun; Advocate; Curriehill; Sir Andro Ker; Mr Petir Rollok; Sir Robert Dennestoun. Decreta Jan.–Nov. 1617. Fol. 135, b.

Alexander Brodie against Alexander Dunbar of Lochhill and others for assault.

Complaint by the King's Advocate, and Alexander Brodie, son of David Brodie of the Ilk, as follows:—On 1st August last, pursuer, while going from the place of Kinlos to the town of Forres, was met at the east end of the town by James Dumbar, brother of Johnne Dumbar of Westfeild, armed with a sword and other weapons, who took his nag by the bridle, and "verie proudlie and disdanefullie pullit the said complenairis hat af his head and kaist it to the ground." Thereafter the said James, accompanied by Alexander Dumbar of Lochhill, and Johnne Andirsoun, servitor to the said James, armed with swords, hagbuts, and pistollets, committed an assault upon pursuer by striking him and shooting "hagbuttis, gunnes, and pistolettis" at him.—Pursuers appearing personally, and defenders not appearing, the Lords order defenders to be denounced rebels. Fol. 136, a.

Gilbert Robertson against the Magistrates of Perth for wrongful imprisonment.

Complaint by Gilbert Robertsoun, skinner, burgess of Perth, as follows:—The bailies of the burgh have conceived "ane deidlie haitrent" against pursuer, because he had obtained letters of exemption against them, and an advocation against the session of the kirk of Perth, "advocating" from them a pretended action pursued before them at the instance of Margaret Johnnstoun, daughter of Donald Johnnstoun, burgess of Perth, against pursuer. For this they committed him on July last to the tolbooth of the said burgh, where they still keep him in miserable ward, without the access of friends or the supply of "viveris," except at their discretion.—Andro Conqueroure, one of the bailies, who appears for defenders, and exhibits the said Gilbert, alleges that pursuer had been lawfully imprisoned in accordance with two decreets against him, (*a*) for not removing from a "heich foir-chalmer belonging to the said Andro," dated 13th June last, and (*b*) for not paying to Johnne Layng, maltman, burgess of Perth, £5, 16s. of principal and 20s. of expenses, dated 1st August last; moreover, that pursuer had been committed by virtue of an act of the session of the kirk of Perth, dated 25th August last, for refusing to satisfy the decreet pronounced against him for slandering the said Margaret Johnestoun. Pursuer having replied that he had always been ready to satisfy the session, and that he was now willing to find caution to do the same, the Lords order the magistrates of Perth to release him, because George Robertsoun, goldsmith, burgess of Edinburgh, who is present, has become cautioner for him in the sum of £100 that he shall satisfy the session before 6th November next. They assoilzie the bailies, however, from all responsibility for his detention. Fol. 136, b. Fol. 137, a.

John Morice in Tullibody against John Malice and

Complaint by Johnne Moreis, son of Robert Moreis in Tullibody, as follows:—Pursuer, while at the town of Tullibody on Sunday September last, was met by Johnne Archibald and Johnne (*sic*) Archibald,

Decreta Jan.–Nov. 1617. Fol. 137, b.

sons of Johnne Archibald, elder, in Kirkland of Tullibody, and Patrik Stevin in the orchard of Tullibody, armed with swords, daggers, and other weapons, and, after many threats, was cruelly assaulted by them with drawn swords, and so wounded in the arms that he will lose the power of his left arm.—Pursuer appearing personally, and the witnesses,—viz., Johnne Malice in Abbay of Cambuskynneth, Mathew Snellok, Michaell Hendrie, and Johnne Hardie, servitors to Sir James Erskin, knight, Harie Robesoun in Tullibody, Johnne Hendrie there, Johnne Burne there, James Burne in Blakgrange, William Strauchan, miller at Cambus, and James Miller there,—not appearing, the Lords order these to be denounced rebels.

Others for assault.

Fol. 138, a.

Complaint by Florence Levingstoun, burgess of Edinburgh, that he has no means to sustain himself in the Tolbooth, to which he was committed 6 weeks ago for not finding lawsurety to Johnne Levingstoun in Dudingstoun.—Pursuer appearing, and the said Johnne Levingstoun being also present, the Lords order the magistrates to release pursuer, because he has given his oath that he could not find a cautioner, and that Niniane M^cMorrane, merchant burgess of Edinburgh, and the said John, and their friends, shall not be molested by him, under pain of 500 merks and perpetual imprisonment.

Liberation of Florence Livingston from the Tolbooth of Edinburgh on his own caution.

Fol. 138, b.

Complaint by Agnes Lawder, liferenter of the lands of Pirne, and Richard and Johnne Lawder, her sons, as follows:—Johnne Scot in Pirne, tenant of the said Agnes, his children, brother-in-law, and servants, have a grudge against pursuers because the said Johnne cannot acquire heritable rights to the said lands. On a certain day, James Cairnecors, son of Chairlis Cairncors of Birksnelp, went by direction of his said father to pursuer's lands of Pirne, drove away pursuer's cattle, and assaulted her said sons, giving Johnne a number of blows with a fork and Richart some wounds in the thigh with a quhinyer. On 24th September last, Agnes Cairncors, spouse of Johnne Scot, younger, "injuriouslie upbraidit" the said Agnes, and called her "ane creukit harlet hoore." For this she had been called before the session on Sunday 29th September; and "sho not onlie aboad be hir malicious and disgracefull speitcheis and railling, bot, schaiking af that modestie quhilk become ane of hir sex, and without feir of God or reverence of the law, scho protestit and avowit with mony horrible and execrable aithes in presence of the minister and elderis, that afore scho sleipit scho sould gif the said Agnes Lawder bettir caus to complene, and that scho sould mak hir to haif a cauld airme-full of some of hir bairnis. And, for executioun of that hir wicked and detestable resolutioun, scho that same verie nicht convenit togidder the said Johnne Scot, elder, Johnne Scot, younger, hir housband, Waltir Scot, his bruther, the said Chairlis Cairnecors, James and Nicoll Cairnecors, his sones, and Williame Allane, thair servand. Quhilkis haill personis lay at await for the said Agnes Lauder saidis sones undir cloud and silence of nicht upoun the ground of the saidis landis of Pirne, being bodin with speiris, lances, swerdis, forkis, and

Agnes Lauder and her sons against John Scott of Pirnie and others for molestation and assault.

utheris wapponis invasive; and, howsoone thay persavit hir saidis sones approtche neir hir said house, thay raise furth of the den quhair thay lay at await, and schamefullie and unhonnestlie invaidit and persewit hir saidis sones of thair lyveis, dang the said Richard throw the airme with a lance, chaissit him and his bruther about the house, strak a nomber of strykis at the said Johnne with drawne swerdis, quhairwith thay have mutilat him of tua fingeris of his hand, and left him and his said bruther for deid."—Richard and Johnne Lawder appearing for themselves and their mother, and Johnne Scot, elder, in Pirne, Chairlis Cairnecors of Birksneip, Waltir Cairnecors, his brother, and Williame Allane appearing for defenders, the Lords assoilzie defenders, because pursuers have failed to prove the charges. Decreta Jan.–Nov. 1617. Fol. 139, a.

Counter-charge against the said Lauders by the said Scott and his family.

Complaint by the foresaid Johnne Scot in Pirne, Agnes Cairnecors, his spouse, , servitor to Chairlis Cairncors of Birksneip, and the said Chairlis, as master, as follows:—On June last, Johnne Lawder in Pirne went to the lands of Birksneip, where the said servant was tending the laird's cattle, committed a fierce assault upon the man with a "grite kent," and wounded him in the head and other parts. Again, on Sunday September last, Richard Lawder and his said brother went by way of hamesuckin to Johnne Scot's dwelling-house. They found him standing at the door, and began an assault upon him with drawn swords, which they would have carried out to a fatal issue had not defender safely enclosed himself within his house. They immediately afterwards met pursuer's wife Agnes, and in their unabated rage attacked her with drawn swords, and so wounded her in the head that "scho wantis a grite pairt of the harne pane of hir heid."—Both parties appearing, the Lords assoilzie defenders, because they deny the charges upon oath. The Lords order both parties to find caution in 500 merks, and to remain in Edinburgh till they find the same. Fol. 139, b.

Captions against Samuel Home in Eyemouth, James Auchinleck in Dunbar, and others, for debt to Katherine Wallace, wife of Thomas MacAulay, writer.

Complaint by Kathareine Wallace, only child of the late Moses Wallace, merchant burgess of Edinburgh, and Thomas M^cAwlay, writer, her spouse, that the following persons remain unrelaxed from hornings of 22nd and 26th May 1617 for not paying these sums:—viz., Samuell Home in Eymouth, £120 for 20 bolls of oats sold him by the late Moses in November 1612 or thereby; Petir Wallace in Eymouth, £206 for wine, "knappell hydis," and other goods from the same in February 1612; Petir Lumisdaill in Coldinghame, 20 merks for a boll of bere from the same; Henry Hude in Eymouth, £30 for three bolls of bere from the same; Petir Balgarno in Eymouth, £17 for bere from the said Moses; Williame Yeaman in Chirnsyd, £34 for corn and straw from the same; James Auchinlek, flesher, burgess of Dunbar, for not delivering 124 sheepskins "winter slauchter" or 16s. for each skin, together with £10 as "failyie by and attour the price foirsaid"; Thomas Hereot in Dunglas, £240 of principal and £40 of expenses; and George Home, bailie of Duns, £50 of principal and 20 merks of expenses.—Pursuers appearing by Francis Kennedy, and defenders not appearing, the Lords Fol. 140, a. Fol. 140, b.

Decreta Jan.–Nov. 1617.

give order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

George Walker against the Magistrates of Haddington for inefficient custody of a prisoner in their tolbooth for debt.

Complaint by George Walker, burgess of Dunfermlyne, as follows:— James Cokburne, late bailie of the burgh of Haddingtoun, having remained unrelaxed from a horning for not paying 200 merks of principal and £10, of expenses, was on September last arrested by letters of caption, and committed to the tolbooth of Haddingtoun. The magistrates of that burgh have failed in their duty by allowing the said rebel "not

Fol. 141, a.

onlie nychtlie to repair to his bed in his awne house, bot in the day tyme to go furth of waird for doing of his effairis; sua that in effect the said rebel is at als grite libertie and fredome as gif he had nevir bene apprehendit."— , one of the bailies of Haddingtoun, appearing, and alleging that the said James was a close prisioner and had no such liberty, and promising on behalf of the magistrates to be responsible for his sure custody during his rebellion, the Lords assoilzie defenders.

Borders. Fol. 51, b.

The Earl of Roxburgh and the Laird of Makerstoun.

This day Robert, Earl of Roxburgh, and Sir M^cDonell of M^cKairstoun, appearing personally, became responsible for their tenants and servants in accordance with the Generall Band of 1602 (*ante*, p. 217).

Commissions. Fol. 39, b.

Licence to Drummond of Pitcairn to go abroad.

Licence under the Signet, signed by the Chancellor, Roxburgh, Lawderdaill, Elphingstoun, and A. Drummond, is given to Thomas Drumond of Pitcarne to go abroad for three years, without skaith to his person or goods, provided he behave as a dutiful subject during his absence.

Commission to the Laird of Brodie and others for the trial of William Clerk for theft.

Commission under the Signet, signed as above, is given to David Brodie of that Ilk, David Brodie, fiar thereof, Johnne Stewart of Kynmachlyne, bailie to the Earl of Murray, and Alexander Brodie, chamberlain to the said Earl, to try William Clerk "in the Trew of Mar," a common thief, now in the custody of James, Earl of Murray, for the theft of a number of horses and sheep from certain people dwelling in the country of Murray.

Borders. Fol. 52, a.

Edinburgh, 1st November 1617.

[No record of Sederunt.]

Andrew Riddell of that Ilk.

This day Andro Riddell of that Ilk, appearing personally, became responsible for his tenants and servants in accordance with the General Band of 1602 (*ante*, p. 217).

Acta Sept. 1617–July 1620. Fol. 126, b.

Edinburgh, 4th November 1617.

Sederunt—Chancellor; Treasurer; Bishop of St. Androis; Bishop of Glasgu; Lotheane; Binning; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Ridhous; Currihill; Marchinstoun; Sir Robert Denneistoun.

Proclamation of a General Assembly to be held in St. Andrews on

"Forsamekle as the Kingis Majestie, for some speciall considerationis concerning the glorie of God and the decent and comelie . . . and

Fol. 127, a.

governament in the Kirk, hes thoght meete and expedient, [resolvit, and] ordanit that thair salbe ane Generall Assemblie of the Kirk haldin and

the 25th of the current month. keept in the citie of St. Androis, and sall begin, God willing, upoun the xxv day of November instant: Thairfoir the Lordis of Secreit Counsell ordanis letteris to be direct chargeing officiaris of armes to pas and mak publicatioun heirof be oppin proclamatioun at all placeis neidfull, quhairthrow nane pretend ignorance of the same, and to warne all Archiebischoppis, Bischoppis, and Commissionaris for the said Assemblie, and otheris haveing voit and place thairin, that thay addresse thame selffis in dew and laughfull tyme to the citie of St. Androis agane the day foirsaid, and thair attend and await upoun the said Assemblie, as thay will ansuer upoun the contrarie at thair heighest perrell."[1] Acta Sept. 1617–July 1620.

Edinburgh, 4th November 1617.

[Sederunt as recorded above.] Decreta Jan Nov. 1617.

Patrick Crawfurd against John Rattray for assault.

Complaint by Patrik Crawfurd, "coirdinair," burgess of Perth, as follows: —Johnne Rattray, apparent of Kinvad, who has a grudge against pursuer, went to the dwelling-house of Mathew Chaip in Perth, where pursuer was for the time, entered violently, "raschet" pursuer to the ground, and struck him with his hands, knees, and feet. Thereafter he pulled out his sword, and would have slain pursuer, but for the intervention of the people present.—Pursuer appearing, and defender not appearing, the Lords order defender to be denounced rebel. Fol. 141, b.

Sir Gideon Murray against James Bell and others for trespass and damage to his orchard.

Complaint by Sir Gedeone Murray of Elibank, knight, Treasurer-Depute, that, in the month of , James Bell, Patrik Smyth, and James Aitkin in Bancreif went by night to pursuer's orchard in Bancreiff, broke down the dykes, and "not onlie staw and awaytook ane grite nomber of the beste fruite of all kyndis," but also broke, cut, and destroyed a number of the trees.—Pursuer appearing personally, and defenders not appearing, the Lords give order as above. Fol. 142, a.

Harry Falconer against the Earl of Moray for intercommuning with Mr. John Eschell, Doctor of Medicine, at the horn on a

Complaint by Harie Falconner in Blakbalk, near kinsman of the late David Falconner, that Mr Johnne Eschell, Doctor of Medicine, who was put to the horn on 22nd December 1616 for not finding caution for his appearance before the Justice on the charge of having slain the said David, remains unrelaxed from the said process, and "hantis and frequentis in all pairtis of the cuntrey at his pleasour." He enjoys the

[1] This General Assembly, as we know from Spotswood, had been reluctantly promised by the King in his conference with the Bishops and other leading clergy at St. Andrews in the preceding July, in consequence of their representations to him that only by such an Assembly would it be possible to carry the further modifications which he desired in the constitution and ritual of the Church of Scotland (see *ante*, p. 184, footnote). There had been much uncertainty meanwhile, however, whether the promise would be kept. All depended on the probable *composition* of the Assembly, should it be allowed. That difficulty had been got over in the course of October; during which month the Bishops had been holding their diocesan synods over the country. In the changed state of the ecclesiastical system of Scotland, it was part of the business of these synods to nominate the Commissioners that should be sent to the Assembly; and the result on the whole had been that the Bishops, having before them the names of all, or nearly all, the clergymen that would be associated with themselves in the Assembly, were able to report favourably. Hence the definite proclamation now for the meeting of the Assembly.

Decreta Jan.–Nov. 1617. Fol. 142, b.

company of George, Marquis of Huntlie, and James, Earl of Murray, and "sittis at table with thame, and keipis conferenceis and pastyme with thame in thair awne dwelling housis."—Pursuer and the Earl of Murray appearing personally, the Lords assoilzie the said Earl; who has declared that the rebel is not his tenant or servant, "bot, the said Mr Johnne being a doctor of phisik, and the said Erllis wyff being visite with disease and seikness, scho send for the said Mr Johnne to use his advise and opinioun concerning hir disease, and that upoun that occasioun the said Mr Johnne remanit with hir some certane dayis, and na utherwyse." The Lords order the said Earl to find caution in £1000 not to intercommune with the said rebel.

charge of having slain David Falconer.

Fol. 143, a.

James Stewart, brother of the late Walter Stewart, burgess of Innernes, appearing for himself, and Alexander Stewart, son of deceased, and other friends, and likewise James Gibsoun appearing as procurator for Lauchlane M'Intosche of Dunnauchtane in answer to the charge that he is answerable for Johnne M'Coneill M'Eane M'Faill in the Wester davachland of Wester Cullodin, who is at the horn for the murder of the said Waltir,—the Lords find that the said rebel is a tenant and servant of the said laird, and decern the latter to exhibit him before the Justice.

Charge to the Laird of MacIntosh to present a tenant of his accused of murder.

Sederunts. Fol. 16, a.

"The quhilk day Patrik and Robert Gordonis, brether to the Laird of Geycht, compeirit befoir the Counsaill, and actit thame selffis to depairt and pass furthe of this cuntrey for obedyence of his Majesteis decreit."

Patrick and Robert Gordon.

"The quhilk day the Lord Oliphant compeirit befoir the Counsaill, and actit him selff of new, conforme to his first act."

Lord Oliphant.

"The quhilk day Archibald Campbell compeirit befoir the Counsaill for obedyence and satisfactioun of the act quhairby he become oblist to the effect, and actit him self to compeir the 20 day of December, yf it be lauchfull, and, failyeeing thairof, the nixt laughfull day thairefter following."

Compearance of Archibald Campbell.

"The Commissionaris of the Burrowis ordanit to gif in thair ansuer in write this day aucht dayis anent the propositioun maid unto thame aganis the laidning of Scottis commodityis in strangearis shippis."

Anent export of commodities in foreign ships.

"A missive to the Erll of Montrois to attend the Assemblie of St. Androis as Commissioner for his Majestie" [*ante*, p. 253].

Missive to the Earl of Montrose.

"A missive to the Capitane of the Guard to attend upoun the Erll of Montrois, his Majesteis Commissioner, with the haill companie of the Gaird, during the tyme of that Assemblie."

Missive to the Captain of the Guard.

Acta Sept. 1617–July 1620. Fol. 127, a.

Sederunt—Chancellor; Treasurer; Bishop of St. Androis; Bishop of Glasgu; Wyntoun; Perthe; Tullibairdin; Bishop of Abirdeene; Cranstoun; Binning; Carnegye; Master of Elphinstoun; Privy Seale; Justice Clerk; Advocate; Kilsaythe; Ridhous; Currihill; Marchinstoun; Mr P. Rollok; Sir Andro Ker; Conservator.

Edinburgh, 6th November 1617.

"The Lordis of Secreit Counsell Commissionaris of his Majesteis Rentis

Warrant to the Treasurer-

Depute for the delivery of £10,000 to Sir Henry Wardlaw and James Baillie for discharge of debts incurred during his Majesty's visit.

ordanis Sir Gedeone Murray of Elibank, knight, Deputie Thesaurair, to ansuer and delyver to Sir Henrie Wardlaw and James Baillie, ressavearis of his Majesteis Rentis, or to ather of thame, the sowme of ten thowsand pundis usuall money of this kingdome oute of the first and reddiest of his Majesteis moneyis being in his Majesteis cofferis, and that for outred of some debtis, allowances, and furnissing maid and undertane for his Majesteis use during the tyme of his Majesteis being in this cuntrie. Anent the delyverie of the quhilk sowme the extract of this act, with the acquittanceis of the saidis personis or ather of thame ressavearis of the said sowme, salbe unto the said Sir Gedeone a warrand." Acta Sept. 1617–July 1620.

Similar warrant for the payment of 40,000 merks to the same.

A similar warrant to the Treasurer-Depute to pay to the same the sum of 40,000 merks out of the taxation granted in 1612, to defray "some debtis, allowanceis, and furnissing maid and undertane for his Majesteis furnissing during the tyme of his Majesties being in this cuntrie."

Recognition by the Council of a precept from his Majesty for a special gift to Sir James Dundas of Arniston, in acknowledgment of his former services in attendance on his Majesty in England, and his more recent services in Scotland as one of the masters of the household during the King's visit.

"The quhilk day, in presence of the Lordis of Secreit Counsell Commissionaris of his Majesteis Rentis, compeirit personalie Sir James Dundas of Arnestoun, knight, and gaif in the precept and warrand underwrittin, signed be the Kingis Majestie, desiring the saidis Lordis wald allow thairof and accordinglie obey the same. Quhilk precept being red, seene, and considderit be the saidis Lordis, and thay acknowlegeing and allowing of his Majesteis gratious will and pleasour concerning the said Sir James in this mater, thay declair that thay will haif a cair to gif unto his Majestie contentment and satisfactioun thairin when the occasioun sall thairunto present and as the necessitie of his Majesteis important and princelie affairis will convenientlie permitt and allow the same. Off the quhilk precept the tennour followis.—JAMES R. Thesaurair, Thesaurair-Depute, and Lordis Commissionaris of oure kingdome of Scotland, we greete yow weele. Inrespect of the goode service done to us knowne unto yow be oure trustie and weilbelovit Sir James Dundas of Arnestoun, knight, not onlie in attending our persone the tyme of oure happie entrie in our kingdome of England and progres thairof and continuall attendance thair upoun oure service the space of ane yeir or thairby, bot alsua continuallie sensyne as he wes imployed, and speciallie now as one of the maisteris of oure housholde sen oure joyfull returning within oure kingdome of Scotland and haill tyme of oure remaning within the same, quhilk hes bene to his grite chargeis and expensis; and we being of dispositioun and resolved purpois that this his lang continuall ser[vice] salbe in some measour gratifeit by and attour the gratifeing [of him] with the rest of the maisteris of oure housholde for the tyme of the [said] service: Thairfoir, and for diveris otheris goode respectis and con-[side]rationis moveing us, it is oure will that yow grant and dispone to the said Sir James, or suche personis as he pleis to no[minat], the first nonentres, warde, and mariage that salhappin to fall in oure handis or at oure gift, being within the estate of x^m merkis, and that gratis without ony compositioun thairfoir. Quhairanent thir presentis salbe Fol. 127, b.

Acta Sept. 1617–July 1620.

to yow sufficient warrand. Gevin at Carlile, the sevint day of August 1617."

Borders. Fol. 52, a.

This day Sir Williame Douglas of Drumlangrig, Sir Robert Gordoun of Lochinvar, Sir Williame Greir of Lag, Sir Thomas Kirkpatrik of Closburne, Eduard Maxwell of the Ile, Williame Irwing, elder of Kirkconnell, Williame Franshe of Fransheland, Walter Chisholme of that Ilk, Kirkpatrik of Kirkmichaell, George Kirkpatrik of Auldgirthe, and Johnne Kirkpatrik of Freircars, appearing personally, became responsible for their tenants and servants in accordance with the General Band of 1602 (*ante*, p. 218). Compearance of Douglas of Drumlanrig, Gordon of Lochinvar, and other Border Lairds.

Decreta Jan.–Nov. 1617.

[Sederunt as recorded above, with the omission of the Conservator.]

Edinburgh, 6th November 1617. Alexander Forbes and others against Gilbert Baird of Auchmedden and others for modification of the sums imposed as cautions for the indemnity of defenders.

Fol. 143, b.

Complaint by Alexander Forbes in Boynlie, James Forbes in Tormair, his son, George Adamsoun in Nether Glasla, Edward Adamsoun there, Normond Forbes in Killiquhirne, Robert Pettindreich in Achlin, Johnne Third there, Johnne Ogstoun in Ladisfurd in Skillmane (*cf.* p. 278), Patrik Smyth in Over Glasla, George Will at the Mylne of Boynlie, Archibald Ogstoun there, Alexander Moreis and William Laurence, servitors to the said Alexander Forbes in Boynlie, Gilbert Couttis, servitor to the Laird of Pitsligo, Archibald Hepburne and William Andirsoun in Pitsligo, William Gordoun, grieve in Carnequheing, Thomas Forrest in Achlintoun, Thomas Keyth in Windieheadis, George Ogstoun in Achmacludie, James Penny in Wodhead, James Benny in Litle Braco, George Tailyeour there, James Clerk in Nether Boynlie, Lownan in Pitsligo, Patrik Moresoun in Carnquhenzie, Robert Hendirsoun there, and Johnne Forbes of Pitnacalder, as follows:—They have been charged, at the instance of Gilbert Baird of Auchmeddane, George Baird, his son, and James Kid there, to find caution for their indemnity in these sums, under pain of horning,—Alexander Forbes in Boynlie and Johnne Forbes of Pitnacalder, each in 1000 merks, George Ogstoun and Edward Adamesoun, each in 500 merks, and each of the remaining pursuers in 300 merks. These pains are extraordinary. The said Alexander and Johnne Forbes are but

Fol. 144, a.

"meane gentilmen and not of the rank of frehalderis," the said George Ogstoun and Edward Adamesoun "are nawyse landit men," and the others are but "poore yeamen men and labourairis of the ground." For obedience they have found the said caution.—Pursuers appearing by M^r^ Thomas Nicolsoun, advocate, and defenders not appearing, the Lords suspend the process of horning, and modify the foresaid sums to 500 merks, 300 merks, and 100 merks respectively.

Fol. 144, b.

Complaint by Johnne Moreis, son of Robert Moreis in Tullibody, as follows:—Pursuer, while in the town of Tullibody on Sunday September last, was met by Johnne Archibald and Johnne Archibald (*cf.* p. 250), sons of Johnne Archibald in Kirkland of Tullibody, and Patrik Stevin in the orchard of Tullibody, all armed, and, after many threats, was assaulted by them with drawn swords, and wounded in the arms.— John Morice against John Archibald and Patrick Steven for assault.

Pursuer appearing personally, and the said Patrik Stevin and Johnne Archibald, younger, being also present, the Lords assoilzie defenders, because pursuer has failed to prove his charge. Decreta Jan.–Nov. 1617. Fol. 145, a.

Caption against John Sandilands for debt to David Murray.

Complaint by David Murray, merchant burgess of Edinburgh, that Johnne Sandielandis, eldest son of Gawin Sandielandis of Medoheid, remains unrelaxed from a horning of 13th January last for not paying 500 merks of principal and £20 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

John Stevenson against Mr. George Semple and others for modification of caution.

Complaint by Johnne Stevinsoun in Overglen, as follows:—He has been charged, under pain of horning, at the instance of M[r] George Semple, minister at Killellane, Robert Fork, messenger, Johnne Hair, servitor to Johnne Alexander, chamberlain to the Earl of Abircorne, William Cuming, maltman in Paislay, Patrik, Johnne, and James Watson, weavers there, Michaell Baird, weaver there, Johnne Ker, "travellour," Johnne Layng, flesher there, Robert Wallace there, Johnne Park and Cuthbert Kirk, sheriff-officers of Renfrew, to find caution in 1000 merks for their indemnity. This sum is extraordinary. Pursuer is but a "poore tennent and labourair of the ground," with no land of his own. His own goods are not worth more than £100. The caution should be modified to 100 merks,—though he has found the full sum for obedience.—Pursuer appearing by Mathew Birsbane, and defenders not appearing, the Lords suspend the process, and modify the caution to 500 merks. Fol. 145, b. Fol. 146, a.

Sir Ludovick Houston of that Ilk against John Blackburn, one of his tenants, for wasteful managment, insolence, and assault.

Complaint by Sir Lodovik Houstoun of that Ilk, knight, James Houstoun, his uncle, Alexander Houstoun, his servant, and Williame Dick in , as follows:—The said laird, "upon plane pitie and compassioun had be him to Johnne Blaikburne in the Maynis of Houstoun," although the said Johnne had "not onlie unthriftelie waistit and spent his awne litle moyanis, bot also the said Sir Ludovick his proper fermes and dewteis of the saidis Maynis of Houstoun set be the said Sir Ludovick to him of divers yeiris bigane, togidder with the steilbow seid, oxin, scheip, and cattel lykewyse set be the said Sir Lodovick to him with the saidis landis," had "of new this present yeir in seid tyme lent and supportit the said Johnne with new seid coirne and plennischeing, upon faithfull promeis maid be him to the said complenair onnawyse to have unthriftelie spent nor disponit upoun the remanent of his coirnes, cattell, and guidis." This promise, however, he has "unhonnestlie contravenit." On 29th August last, pursuer having met defender on the said lands, and "in fair meanis" reproved him for having secretly conveyed the cattle and goods off the said lands, "to the said Johnne his discredite and frustrating of the said complenair of his dewteis bigane," the said Johnne "not onlie by his frowning countenance lichtleit the said Sir Ludovick, his maister, by uttering of thir outrageous and unreverent speitcheis,—as, namelie, that he wes als trew as the said Sir Lodovick him selff, and the devill ressave the falsest,—bot thairwithall drew furth his quhinyeair and invaidit and

Decreta Jan.–Nov. 1617. Fol. 146. b.

persewit the said Sir Lodovick of his lyff, he being naiked without armoure." By the help of some people "who wer present be plane accident" the laird was rescued. "Quhairupoun the said Johnne Blaikburne wes immediatelie, be law and be the said Sir Ludouik his previledge and jurisdictioun as a barone, put under his Majesteis peace, and stayit fra his intendit desperat purpois; for the quhilk he aucht to be examplarlie punist, to the terrour of utheris to commit the lyke heirefter." —The said Laird appearing for himself and other pursuers, and defender being also present, the Lords find the assault proven, and order defender to be committed to the Tolbooth of Edinburgh, there to remain at his own expense during their Lordships' pleasure.

Fol. 147, a.

John Baillie of Lethame against Sir John Bruce of Airth and others for violence and riot.

Complaint by the King's Advocate and Johnne Baillie of Lethame, that Sir Johnne Bruce of Airth, George Bruce, son of the late Captain James Bruce, James Wricht, servitor to the said Laird of Airth, Johnne and Michaell Elphinstoun, sons of Alexander, Lord Elphinstoun, Johnne Kempt and James Polwart in Airth, all armed with hagbuts and pistollets, went on October last, about 8 o'clock in the evening, to pursuer's house, and, having broken up the outer gate, entered the close and discharged hagbuts at the windows.—Pursuers appearing personally, who said they would not insist on the prosecution of the said Johnne Elphinstoun and James Polwart, and the said Michaell Elphinstoun and Johnne Kempt also appearing, but the Laird of Airth, George Bruce, and James Wricht not appearing, the Lords assoilzie the said Michaell Elphinstoun and Johnne Kempt, because pursuer has refused to give his oath *de calumnia* that he had just cause to pursue them. The Lords order that the absentees be declared rebels.

Fol. 147, b.

Thomas Dempster against Thomas and John Kirkpatrick for assault.

Complaint by Thomas Dempster in Bersiewallis that, while he was near the place of Freircars, he was assaulted by Thomas Kirkpatrik of Freircars, who had been sent by Johnne Kirkpatrik of Freircars, most cruelly "dang" by him with his "fauldit nevis," and "violentlie rasched" to the ground to the hurt of his head and face.—Pursuer and defenders appearing personally, the Lords find the assault proven against the said Thomas upon

Fol. 148, a.

his own confession, and order him to pay a fine of £10 to pursuer. They also order him to find caution for pursuer's indemnity in the sum of 500 merks.

Commissions. Fol. 40, a.

Commission for the trial of Hew Smith for murder.

Commission under the Signet, signed by the Chancellor and Mar, is given to Mr William Murray of Auchtertyre, sheriff of Perth, and his deputes, to try Hew Smyth at the Newinglae of Newa, who was apprehended on November instant for the murder of John Reid *alias* Laird in the Haltoun of Essie at the town end of Kleyt on that day, with the aid of some accomplices, and who now lies in the tolbooth of Perth.

Fol. 40, b.

Commission to the Earl of Winton and others for the apprehension of seven

Commission under the Signet, signed by the Chancellor, Mar, and Binning, is given to George, Earl of Wyntoun, his bailies of the regality of , the sheriff of Linlithqw and his deputes, Sir Waltir Dundas of that Ilk, and Johnne Dundas of Newlistoun, to apprehend and examine

persons suspected of murder.

William Adie sometime in , Agnes Spadie in Kirklistoun, Marioun Alexander there, Gawin Spadie, George Spadie in Craigend, Smyth, vagabond, and James Spadie in Humbye, who are suspected of the murder of William Spottiswod in his barn at Gaitsyd "bewest" Kirklistoun during the night of September last. Commissions.

Edinburgh, 11th November 1617.

Sederunt—Chancellor; Treasurer; Lotheane; Tullibardin; Binning; Viscount of Laudirdaill; Carnegye; Lord Erskine; Lord Flemyng; Treasurer-Depute; Privy Seal; Justice Clerk; Advocate; Ridhouse; Kilsyth; Curriehill; M^r^ Petir Rollok; Merchinstoun; Sir Andro Ker; Sir Robert Dennestoun. Decreta Jan.–Nov. 1617., Fol. 148, a.

Caption against John MacAdam for debt to James Murray, Master of Works.

Complaint by James Murray, his Majesty's Master of Works, that Johnne M^c^Adam, merchant burgess of Edinburgh, remains unrelaxed from hornings of 26th, 27th, and 29th June 1612 for not paying to him and the late Martha Murray, his spouse, £1000 of principal and £100 of expenses; also from hornings of 27th and 29th June and 1st July 1612 for not paying to them 2000 merks of principal and £200 of expenses.—Pursuer appearing by Thomas Eleis, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Walter Lindsay against James Donaldson, his son-in-law, for assault.

Complaint by Waltir Lindsay in the Skailfurd of Edzell, as follows:— James Donaldsoun, his son-in-law, whom he had "traynit up and intertenyit" since his infancy, has shaken off all dutiful regard, and seeks occasion to have pursuer's life. On January last, defender "persaveing his said father-in-law lay his durke from him and being reddie to go to his bed, the said James then undir cloud and silence of nicht come behind the said complenairis bak, pullit up his awne durk, and, or evir the said complenair wes wer of him, he strak the said complenair throw the body with the said durke, and hurte and woundit him in sindrie uther pairtis of his body, especiallie in the face."—Pursuer appearing personally, and defender being also present, and the former having produced certain offers made to him by the latter, in which he confessed that he had committed the wrong, and was willing to be banished for the same and to pay 200 merks, and defender having acknowleged the same as his offers, the Lords find the assault proven, and order him to pay 200 merks to pursuer and to be banished the sheriffdoms of Forfair and Kincairdin during their pleasure, under the pain of 500 merks. He is also to find caution in 500 merks for indemnity of pursuer, and to be committed to the Tolbooth till he pay the fine and find the said caution. Fol. 148, b. Fol. 149, a.

Edinburgh, 13th November 1617.

Sederunt—Chancellor; Treasurer; Wyntoun; Lotheane; Tullibardin; Binning; Cranstoun; Carnegy; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsyth; Bruntiland; Ridhous; Curriehill; M^r^ Petir Rollok; Marchinstoun; Sir Andro Ker; Sir Robert Dennestoun. Fol. 149, b.

Decreta Jan.–Nov. 1617.

Caption against George Bruce and Robert Galbraith for debt to Alexander Machan.

Complaint by Alexander Machane, merchant burgess of Edinburgh, that George Bruce, son of the late Captain James Bruce in Airth, and Katherine Hammiltoun, his mother, remain unrelaxed from a horning of 14th August last for not paying £80 of principal and 20 merks of expenses: also, that Robert Galbraith of Kilcreuchie remains unrelaxed from a horning of 15th August last for not paying £222, 10s. of principal and 40 merks of expenses.—Pursuer appearing personally, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Fol. 150, a.

Nicol Bruntfield of White house against George Rutherfurd for defamation and challenge to combat.

Complaint by Nicoll Bruntfeild of Quhythouse, as follows:—"He being now past the aig of threscore sex yeiris, and haveing by the good assistance of God behaved and careyed him selff all this tyme with suche respect and credite as he hes not onlie bene unspoted bot frie of all kynd of suspitioun of the foull cryme of thift, in the quhilk course he intendis with Godis grace to compleit the few remanent of his dayis; and whereas he expectit that his guid fame sould have accumpanied his cofine to the grave, and that nane wald have bene so injurious unto him as, aganis reasoun, modestie, the knawne treuth, and good conscience, to have scandallit him with the said foull cryme of thift; notwithstanding it is of treuth that, in the moneth of Junij last, the said complenair haveing occasioun to repair to the burgh of Edinburgh to attend and await upoun the Erll of Home, his maister, dureing the tyme of the lait Parliament, and comeing in to ane cordinairis house in the Cannogait for some adois, he fand in the house ane George Rutherfurde, burges of Dumbar, a persone altogidder unknawne to the said complenair, and with whome he had nevir dealing, speeche, nor conferrence. And, efter the said complenair had dispatchet his bussynes in that house and wes gone, the said George seamed to mak some dynne that he wantit a grite quantitie of gold and silver, tane, as he alledgeit, oute of his purse. And he maid some forme of inquirie and searche for it, and, in end, he layd the blame thairof upoun the said complenair, as gif he had bene the awaytaker of the same. Informatioun quhairof being brocht unto the said complenair, and he being verie justlie moved with greif and displeasoure that now in his aigeit and lattir dayis so foull a cryme sould be objectit aganis him, he causit ask of the said George upoun quhat ground or warrand he had so injuriouslie scandallit the said complenair; fra quhome no uther answer or warrand could be returnit bot that he wald stand to the thing that he had spokin, and that he wald justifie the same by single combatt, upoun a consait and opinioun apprehendit be him that the said complenairis aig and infirmiteis wald discourage him frome the combatt, and sua that his refuisaill of the combatt wald argue aganis him a guiltynes of the said cryme and ane acceptatioun of the same upoun him. And, becaus the said complenair knew that single combattis wer prohibite and forbiddin, and wald draw him within the compas of the law, the said

Fol. 150, b.

complenair maid offer unto the said George that, gif he wald procure of

the Lordis of Secrite Counsaill a licence for the combat, that he wald willinglie undirtak the same and present his auld bones aganis him to vindicat him selff frome his injurious imputationis. Quhilk offer being refuisit be him, he ceassis not still to detract and scandaill the said complenair as the steillair of his gold." Lately, defender has sent a new challenge, "quhilk is done be him that he mak the cuntrey beleve that his money wes stollen frome him and that thairby he may procure frome his creditouris some favoure in the moneyis quhairin he standis obleist unto thame."—Pursuer and defender appearing, the Lords order defender to find caution in 500 merks (*a*) not to slander pursuer hereafter by word or writing for the foresaid cause, (*b*) not to send any challenge to him, but to take all complaints before the judge ordinary, and (*c*) to keep his Majesty's peace with pursuer. They order pursuer to find caution in the same amount to keep the peace with defender, and to be answerable, "as law will at his instance," for the foresaid cause. Both parties are to remain in Edinburgh meanwhile, under pain of horning. Decreta Jan.–Nov. 1617. Fol. 151, a.

Robert and William Barbour, physicians, and servitors to Lord Kintail, against Leslie of Wardes and others for assault.

Complaint by Robert Barboure, and Williame Barboure, his brother, physicians, servitors to Coline M^c^Kanzie, Lord Kintale, and Johnne Glas, servitor to the said Robert, as follows:—Johnne Leslie of Wairdes nourishes a great hatred against pursuers, and has often tried to procure their bodily harm. On 27th February 1615, Johnne Cromby in Glenhead, William Cromby in the Maynis of Cambray, George Leslie in Bromeend, and Andro Davidsoun, servitor to the said Johnne Leslie of Wairdes, all armed, went by direction of the said laird to the town end of Rochorell and waited for the said Robert. On his arrival they committed a fierce assault upon him and would have slain him there had he not fled. They pursued, and, overtaking him at the town of Pyktillum, renewed the assault. They "brak his left airme in peeceis, dang in the harne pan of his head," and left him on the ground "as a deid persone" from 9 in the morning till the evening. On 3rd March 1615, the said George Leslie and Andro Davidsoun, and Normond Leslie, brother of the Laird of Wairdes, lay in wait between the towns of Kintor and Warthill for the said Johnne Glas, who was on an errand for the said Robert, and, on his coming up, took him captive and carried him to the house of George Leslie. They "pat bow stringis aboute his head and held him in continewall tortour quhill he tauld thame quhair the said Robert Barboure, his maister, wes. And, being relevit of his tortoure, thay careyed him to the toun of Kintor, quhair thay belevit to have apprehendit the said Robert Barboure, his maister; bot, missing him thair, thay careyed the said Johnne Glas to the toun of Dowurie, and thair of new agane pat bow stringis about his head and held him in tortoure quhill he wes almaist confoundit." The same day, the said Normond Leslie and Andro Davidsoun went out by the said laird's direction to meet the said William Barboure upon the Lone of the Haltoun of Fintrey, and cruelly assaulted him "with staulfis and trees." On 7th July last, Williame Leslie, brother to the Laird of Wardes, having met the said Robert Barbour at the hill- Fol. 151, b.

Decreta Jan.–Nov. 1617.

head of Tullimorgun, committed an assault upon him, and chased him upon horseback for the space of five miles. The said Robert would have been overtaken and slain, had he not "kaist his haill clotheis af him, and be speid of fute throw mossis wan his way."—The said Robert appearing for pursuers, and the said George Leslie and Johnne Crombye appearing,

Fol. 152, a.

and Robert Gairdin, Thomas Gairdin, Johnne Gairdin, all in Pyktillin, William Walker, son-in-law of George Leslie in Bromend, and James Leslie, apparent of Warthill, witnesses, being present, but the said Johnne Leslie of Wairdes, William Leslie of Ryhill, Normond Leslie of Ardtannes, and William Cromby, defenders, and Arthour Bisset, servitor to the Laird of Glenbervie, Robert Reid, in Haltoun of Fintrey, William Ronald, there, and James Smyth, in Peik of Kemnay, witnesses, not answering the summons, the Lords find the charge of assault on 27th February 1615 proven, and order the said George to pay a fine of £40 to the said Robert for himself and his said brother William. They order the said Robert to pay £4 to each of the five witnesses for expenses sustained by them in appearing. Further, thay give order that the absentees, both defenders and witnesses, be denounced rebels.

Sederunt—Chancellor; Treasurer; President; Treasurer-Depute; Advocate.

Halyruid-house, 14th November 1617.

James Harper against Mr. James Scott and Lawrence Scott for assault.

Complaint by James Harper, merchant burgess of Edinburgh, as follows:

Fol. 152, b.

—"The saidis Lordis rememberis what contestatioun wes yeisternicht before the saidis Lordis anent the eschete of umquhill Gawne Scott, and how that the said complenair wes preferrit thairin to all utheris suittairis inrespect he overbad thame. And, the said complenair undirstanding that ane grite quantitie of the said umquhill Gawnis guidis, with his haill obligationis and writtis, wer in the dwelling-house of Andro Law, burges of Edinburgh, he procureid ane warrand frome the Deputie-Thesaurair direct to the said Andro for delyverie of the obligationis and writtis and the said umquhill Gawnis compt buik unto him, and for suffering of him to mak inventair of his guidis and geir. With the quhilk warrand the said complenair past to the said Androis house yeisternicth, about sevin of the cloike; and, missing him, the said complenair stayed and soupit with his wyff, being resolvit to have remanit in the house till his incomeing. In this meantyme, Mr James Scott, who wes ane of the contendairis for the eschete, and Laurence Scot, advocat, his father-in-law, being informit that the said complenair wes in the said Androis house attending his incomeing, thay not onlie stayed the said Andro fra comeing to his house that nicht, bot thay, accumpaneid with fyve or sex personis bodin in feir of weir, come to the said Androis house, and, after thay had utterit mony querrelling and threatning speitcheis aganis the said complenair for presomeing to medle in a mater quhairin thay had anes dippit, thay pat violent handis in the said complenairis persone, strak him with thair neiffis, and by force and violence harlit him to the dure. And thay

abaid in the house and maid suche use of the said umquhill Gawnis guidis, quhilkis now pertenis to the said complenair, as thay thocht good."— Pursuer and defenders appearing, the Lords find for pursuer, and order defenders to be committed to the Castle of Edinburgh, to remain therein at their own expense during their Lordships' pleasure. Decreta Jan.–Nov. 1617. Fol. 153, a.

Edinburgh, 18th November 1617.

Sederunt—Chancellor; Treasurer; Lotheane; Tullibardin; Binning; Carnegy; Lord Erskin; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsyth; Bruntiland; Reidhouse; Curriehill; M^r^ Petir Rollok; Conservator.

Michael Anderson and others against Thomas Lowry for wrongful imprisonment.

Complaint by Michaell Andirsone in the Potterraw, Henry Denholme there, and Thomas M^c^Marische there, that Thomas Lowrie, bailie at the West Porte, has caused them to be committed to the tolbooth "outwith the said West Porte" without any just reason.—Thomas Lowrie appearing and exhibiting pursuers, and having declared that he had imprisoned them on account of "certane oppressionis commitit be thame aganis thair awne nichtbouris in the Potterraw, and for not deliverie unto thame of certane poindis and unlawis tane fra thame" (as proved by the acts of court produced by him), the Lords refer the matter to Sir George Touris of Garnetullie, baron of Innerleith, within whose bounds pursuers dwell. Fol. 153, b.

The Lord Treasurer and Lord Advocate against Robert Moffat, merchant, and Alexander Wilkie, skipper, for defrauding the revenue.

Complaint by the High Treasurer, Treasurer-Depute, and Advocate, as follows:—Robert Moffet, merchant of Edinburgh, "being laitlie come from Flanderis in a schip of Dysert callit *The Fortoun*, quhairof Alexander Wilkie is skipper and maister,—at the least he haveing some commoditeis and wairis brocht hame in the said schip,—he and the said skipper colludeing upoun the forme and meanis how thay micht best get the saidis wairis previlie sett on land without knawledge of his Majesteis officeris, sua that thairby thay micht defraud his Majestie of the custome of the same, the said skipper, and Cowane, his servand, previlie and craftelie undir silence of nicht, upoun the 13th day of November instant, brocht furth of the said schip ane dry wair trie full of silk veluotis, golde lease, and uther coastlie wairis, pertening to the said Robert Moffett, and deliverit the same unto him, thair being no lauchfull entrie maid of the saidis guidis, nor no payment maid of the custome of the same."—Pursuers and defenders appearing personally, and Robert Moffett having admitted that he had caused the removal of "a dry wair out of the said schip," and Alexander Wilkie having granted that they had been taken out of the ship ("bot he seamed to excuse his pairt thairin, as alledgeit done be his boy without his privitie or knawledge"), the Lords order the moveable goods of defenders to be confiscated, in accordance with the acts, and themselves to be imprisoned in the Tolbooth of Edinburgh, "ay and quhill thay tak ordour with his Majesteis Thesaurair and Deputie Thesaurair for thair eschetis, and quhill thay be fred and relevit be the saidis Lordis." Fol. 154, a. Fol. 154, b.

Decreta Jan. Nov. 1617.

Sederunt—Chancellor[1]; Wyntoun; Lotheane; Tullibardin; Binning; Carnegy; Lord Erskine; Lord Flemyng; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsyth; Bruntiland; Ridhouse; Curriehill; Mr Petir Rollok; Sir Andro Ker; Conservator. Edinburgh, 20th November 1617.

Sir Gideon Murray against Thomas Carrington for fruit-stealing.

Complaint by Sir Gedeone Murray of Elibank, knight, that Thomas Caringtoun, son of Caringtoun in Bancreif, went by night in the month of to the said Treasurer-Depute's orchard in Bancreiff, broke the walls, stole some of the best fruit, and destroyed some of the trees. (*Cf.* entry *ante*, p. 254).—Pursuer appearing personally, and defender not appearing, the Lords order defender to be denounced rebel.

Fol. 155, a.

Robert Gibson, burgess of Elgin, against William Dunbar and others for violence.

Complaint by Robert Gibsoun, burgess of Elgin, and William Duncane in Incharnoth, tenants of Sir Johnne Seatoun of Barnis in his lands of Incharnoth, and the said laird as master, as follows:—On the night of 20th July last, Alexander Andirsoun *alias* Brabner in Incharnoth, Katherine Dumbar there, James Dumbar of Pennik, and others, "all bodin in feir of weir, and dissaguysit in weymes clothes," went to the pursuers' houses in Inchernoth, broke the doors of the said William's house, entered and searched for the said Robert, and "stoggit bedis and usit all meanis possible to have apprehendit thame." Disappointed in their attempt, they broke down the said William's windows, timber work,

Fol. 155, b.

and other gear, and cast them out of doors.—Pursuer appearing personally, and defenders not being present, the Lords give order as above.

Caption against Johnston of Thornick for debt to Mark Gledstanes.

Complaint by Mark Gledstanes, burgess of Edinburgh, that James Johnnstoun of Thornik remains unrelaxed from a horning of 21st August 1616 for not paying 500 merks, and that James, Lord Torthorwald, remains unrelaxed from a horning of 26th February last for not paying 100 merks.—Pursuers appearing by Archibald Douglas, macer, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Fol. 156, a.

John Heriot and others against James Neilson, Patrick Walker, and others, for assault.

Complaint by Johnne Hereot in Clokmylne, Thomas Hereot, his son, Thomas Meggat and James Hereot, indwellers in Dudingstoun, as follows:—While the said Johnne Hereot and his said son were ploughing the lands of Clokmylne on November instant and preparing for the sowing of their wheat seed, James Neilsoun in Gulane, who was riding past on horseback, came off the highway on to the new tilled land. Pursuer requested him to go off the same, but received threats for his reply. Defender then attacked him and his son with his quhinyer. Soon after, the said James, assisted by Patrik Walker, George Gledstanes, and Cornelius Tailyefeir, "pewderaris," burgesses of Edinburgh, and Thomas Walker, son of the said Patrik, all armed, renewed the assault on pursuers, and would have slain them but for the assistance of James Hereot and Thomas Meggat, who happened to come up at that time with some

[1] The Sederunt in the *Book of Sederunts* reads *Treasurer* instead of *Chancellor*.

"horse laidis of muke." Defenders then turned their swords upon these "reddaris," wounded the said James in the left hand, and mutilated the said Thomas of the foremost finger and thumb of his right hand.—Pursuers and defenders appearing, the Lords assoilzie defenders, because pursuers have failed to prove the charges. Decreta Jan.–Nov. 1617. Fol. 156, b.

Counter-charge by the said Patrick Walker and his son against the said John Heriot and his son for assault.

Complaint by the foresaid Patrik Walker, "pewderair," burgess of Edinburgh, and Thomas Walker, his son, as follows.—Despite the prohibition issued by his Majesty and his Council before his departure from this kingdom anent assaults within the burgh of Edinburgh or within a mile of the Lords' residence, true it is that, when pursuers were on their way from Dumbar to Edinburgh on November instant, they came upon Johnne Hereot in Clokmylne, Thomas Hereot, his son, James Hereot, servitor to James Ker in Dudingstoun, and Thomas Meggat, all assaulting James Neilsoun, servitor to George Home of Guloun with "staulfis and treis" near the Clokmylne. "The said Patrik Walker come to the saidis personis and did quhat in him lay to have stayit thame of thair raige and furie aganis the said James Neilsoun; and, lookeing for no harme to have bene done to him, trew it is that the haill personis foirsaidis, except the said Thomas Hereot, come about the said Patrik Walker and perforce held him. And, the said Thomas persaveing the said Patrik to be haldin as said is, the said Thomas Hereot drew the said Patrikis awne sword, quhilk wes at his syde, and thairwith gaif him a grite hurte and wound in the head." They also struck pursuer and his son with "staulfis and treis" upon the head, back, and sides, until they were relieved by some honest folks. Defenders took the said Patrik's purse containing £90, which they still retain.—Pursuers and defenders appearing, the Lords find that defenders assaulted the said Patrik with his own sword, struck Thomas Walker with a "quhip schaft," and broke the said Patrik's sword. They order Johnne Hereot and his son, the principal actors, to pay a fine of £40 to pursuers, together with the price of the sword, and to find caution in 300 merks for pursuers' indemnity; and they order them to be confined in the Tolbooth of Edinburgh till they pay these sums and find the said caution. Fol. 157, a. Fol. 157, b.

Oath of office by certain officers of the Customs.

"The quhilk day Patrik Moier, collectour of the outward customes of Edinburgh, George Archibald, collectour of the inward customes at Leyth, Thomas Miller, James Scott, Johnne Mitchell, Johnne Henrye, searchouris and awaitaris at the Porte of Leythe, gaif thair grite and solemne oathe that thay sall faithfullie and treulie serve his Majestie and his Thesaurair in the charge and service committit unto thame." Sederunts. Fol. 16, b.

Edinburgh, 25th November 1617.

Sederunt---Chancellor; Master of Elphinstoun; Privy Seal; Medop; Justice Clerk; Curriehill; M^r^ Petir Rollok; Conservator. Decreta Nov. 1617-Nov. 1618. Fol. 158, a.

Suspension of horning against Leslie of Wardes.

Complaint by Johnne Leslie of Wardes, that he has been put to the horn at the instance of Robert and Williame Barbour, physicians, and Johnne Glas, for not appearing to answer to an alleged

Decreta Nov. 1617–Nov. 1618. Fol. 158, b.

assault (*ante*, p. 262). He has not be summond in proper form; yet for obedience has found caution in 1000 merks to appear to-day.—Pursuer appearing, and the said Robert Barbour not appearing, the Lords suspend the said process.

William Mitchell, burgess of Selkirk, against William Elliot for assault.

Complaint by William Mitchell, burgess of Selkirk, as follows:—Pursuer had been ill for about twenty days in August last, and on the 27th, being convalescent, "went and stoped furth about the feildis for his recreatioun." Seeing "some naigis their eiting and distroying his growand coirnis," he "past waiklie as he micht unto thame, and took them by the heads, being of intentioun to have poindit thame untill the skaith done be thame had bene apprysit and he satisfeit thairfore conforme to the ordoure of nichtbourheid." Thereupon, William Ellot, called of Horsliehill (who was not the owner of the horses), came up to him, "unmercifullie rasched him to the ground, laip upoun him with his kneis and feit, gaif him mony bauch and bla strykis, and birsit all his bowellis togidder. And, not content thairwith, haveing twenty dayis of before avowit to cause cutt the said complenairis luggis out of his head, the said William Ellot then with his awne handis tooke the said complener be bothe his luggis, and a long tyme so violentlie rugged the same quhill
Fol. 159, a.
the blood come furth at the ruitis thairof; and, finding it some difficultie to get his lugis pullit out of his head, tooke the said complenair be the baird, and most schamefullie, violentlie, and unhonnestlie ruggit out be the ruttis moir nor the half of his said baird."—Pursuer and defender appearing personally, the Lords assoilzie defender, who has denied the charges on oath.

Commissions. Fol. 41, a.

Commission to Innes of Balvain for apprehension and trial of criminals.

Commission under the Signet, signed by the Chancellor, Elphinstoun, R. Cokburne, A. Drummond, and P. Rollok, is given to Robert Innes of Balvane to apprehend and try all persons suspected of "thift, resset of thift, pykrie," &c. within the bounds of the lordship of Balvaine. Crime has became more common there since the commission granted to the Earl of Huntlie (*ante*, p. 238), as most of the thieves have removed from Strathdoune to Balvane.

Caution for Innes of Balvain.

This day Waltir Innes of Auchloncart, appearing, becomes cautioner for the foresaid Robert Innes of Balvaine, that he shall pay into the Exchequer one half of the escheats of the persons convicted by the foresaid commission.—(Signed) Walter Innes of Auchluncart.

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Edinburgh, 27th November 1617.

Sederunt—Chancellor; Roxburgh; Lotheane; Viscount of Laudirdaill; Cranstoun; Master of Elphinstoun; Privy Seal; Justice Clerk; Bruntiland; Ridhouse; Medop; Curriehill; M^r^ Petir Rollok; Sir Robert Dennestoun; Sir Petir Young.

Archibald Sellar against William Lang for trespass and assault.

Complaint by Archibald Seller, younger, burgess of Glasgow, as follows:—On September last, Williame Lang, maltman, burgess of Glasgow, with some accomplices, armed with "swerdis, bandit staulffis, corneforkis," and other weapons, went to pursuer's lands of Cowcaldenis, where he and

his servants were leading "tua horse kerris of beir" home to his barnyard, and committed a fierce assault upon them. They cut the "eareledderis of the saidis tua keris, and barbarouslie and unhonnestlie strak and dang the said complenairis said horsse with bandit staulfis and forkis, quhairby thay left thair drauchtis." When pursuer and his servants had fled for safety, defenders took away the bere,—which they still keep.—Pursuer and defender appearing personally, the Lords remit the matter to the provost and bailies of Glasgow. Decreta Nov. 1617-Nov. 1618.

Caption against William Weir for debt to David Weir.

Complaint by David Weir, merchant burgess of Edinburgh, that William Weir in Castlehill within the parish of Carlouk remains unrelaxed from a horning of 8th August 1616 for not paying £160 of principal and £30 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 160, a.

Caption against John Steel for customs dues.

Complaint by the Tacksmen of his Majesty's Customs that Johnne Steill in Chirnesyde remains unrelaxed from a horning of 25th June last for not giving a true entry of the wines brought from Beruik and other parts of England thereabout from 1st November 1615 to 1st November 1617, and for not paying £32, 8s. as custom for each tun of the same.—Pursuers appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order as above. Fol. 160, b.

Suspension of horning against William and Norman Leslie at the instance of Robert and William Barbour.

Complaint by William Leslie of Ryhill and Normond Leslie of Ardtannes that they have been put to the horn at the instance of Robert and William Barbour and John Glas (*ante*, p. 262 and p. 266).—Pursuers were not summoned in due form. They have found caution, each in 500 merks, to appear to-day.—The said Normond appearing for pursuers, and Robert Barbour appearing for defenders, the Lords, with consent of the latter, suspend the process. Fol. 161, a.

William Allan, his wife, and Gilbert Watt, clerk to the Justices in Roxburghshire, against George Douglas and other Douglases, for assault and oppression.

Complaint by Williame Allane in Lillisleiff, Jonet Hendirsoun, his spouse, and Gilbert Wat, "ordinair clerk to the justiceis of peace" within the sheriffdom of Roxburgh, as follows:—On 1616, George Douglas, called "of Freirschaw in Lillisleif," Williame and Robert Douglas, his brothers, and Robert Douglas, son of the said Williame, went by way of hamesuckin to the house of said Williame Allane, and assaulted him and his spouse. They severely hurt the latter, especially upon the head. The said George was thereafter called before the justices of peace, and, after trial, was put in ward. He has "layed the haill wyte of the persute that wes followit oute aganis him and of his wairding upoun the said Gilbert Watt, and for that caus he and his said bruther and bruther sone hes consavit ane deidlie haitrent and malice aganis the said Gilbert, and schoris and avowis to haif his lyff." On 9th August last, the said William and his said son lay in wait for the said Gilbert a little way out of the burgh of Jedburgh, "set upoun him threatning to have his lyff, kaist thair gloveis unto him in maner of challange provokeing the said Gilbert gif he wer better nor ane dogis sone to meete thame in Rowcastell Mure. Fol. 161, b.

Decreta Nov. 1617 Nov. 1618.

And with that thay fell oute in bitter and schameles railing aganis the haill justiceis of peace of the said schirefdome, saying that gif thay wer all hangit thay sould nevir get ane of thame to compeir in thair courtis agane." Defenders waited on the said moor for some hours in their desire for combat. They moreover oppress the poor tenants of the country, especially the tenants of the Laird of Riddell and Waltir Riddell

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of Ridhouse, by raising letters of lawburrows against them, "avowing to hald thame in continewall tormoyle, trouble, and fascherie by comeing to the burgh of Edinburgh to find the said cautioun, unless thay aggrie with thame and gif thame sic satisfactioun and compositioun as thay pleis to keepe thame unchairget."—The said Williame Allane and his spouse appearing by Waltir Riddell of Wodhouse, and the said Gilbert not appearing, and the said William Douglas being present for himself and his son, but the said George not answering the summons, the Lords assoilzie the said William Douglas, because he has denied the charge on oath, but order him to find caution in 500 merks for the indemnity of the said Gilbert. They order George Douglas to be denounced rebel.

Mr. Robert Youngson, minister of Clatt, and others, against Gordon of Tulliangus and others for assault.

Complaint by M^r^ Robert Youngsoun, minister at Clett, Jeane Irwing, his spouse, M^r^ Alexander Youngsoun, their son, Arthour Urquhart, servitor to Arthour, Lord Forbes, and the said Lord, as master, as follows :

Fol. 162, b.

—On Saturday April last, the said M^r^ Robert "being at the tryell and examinatioun of some personis of his parrochin for prepairing thame to ressave the holie communioun and sacrament of the Lord upoun the morne thairefter," he and the other pursuers were accosted at the gate of Lord Forbes's house of Dryminmoir by William Gordoun of Tulliangus and Robert Gordoun of Newbigging, who were accompanied by Robert, William, James, and George Gordoun, his sons, James, George, and Johnne Gordoun, sons of the said Laird of Newbigging, and others, all armed, and were assaulted and wounded by them with drawn swords. Defenders "brak thrie or four swerdis upoun thrie or foure of the said lordis servandis who as reddairis wer present for the tyme." The Laird of Tulliangus, "efter a verie insolent maner in the verie tyme of the persute and invasioun foirsaid, oppinlie cryit out and said,—'Laidis, gif ye be equall, ye sall go home, but gif ye be not equall, tarie still untill ye be revengeit of these smaikis and lownes.'"—The said M^r^ Robert Youngsoun

Fol. 163, a.

and Arthour Urquhart appearing for pursuers, and the said William Gordoun of Tulliangus, and Robert Gordoun, his son, appearing, the former for himself and his other sons, the Lords find that Robert and William Gordoun, sons of the Laird of Tulliangus, assaulted the said minister, and order the said Robert to be committed to ward within the Tolbooth of Edinburgh and his brother to enter his person there within fifteen days. The Lords assoilzie the remaining defenders, because pursuers have failed to prove the charges against them.

Arbiters appointed for the settlement of the matters

Sederunts. Fol. 17, a.

"The quhilk day William, Lord Sanquhair, on the ane pairt, and Williame Creightoun, base sone to the laite Lord Sanquhair, with Robert, Erll of Roxburgh, and Sir Williame Douglas of Drumlangrig, his curatoris,

in dispute between Lord Sanquhar and William Crichton, illegitimate son of the late Lord Sanquhar.

compeirand befoir the Lordis of Secreit Counsell for obedyence of the missive letteris direct unto thame; and, the saidis Lord Sanquhair and Williame Creichtoun being demandit yf thay wer now resolvit and prepairit to submitt the questioun standing betuix thame anent the contentatioun and satisfactioun to be maid and gevin be the Lord Sanquhair to the said William, and to nominat thair freindis for that effect [*ante*, p. 45], thay declairit that thay wer resolvit and prepairit presentlie to submitt. And the said Williame Creichtoun nominat the Vicount of Lauderdaill and Sir Alexander Drummond of Medop arbitouris and freindis for him,—who, being personalie present, acceptit the submissioun upoun thame, and promeist to attend till Twisday, and then to subscryve the submissioun. And the Lord Sanquhair nominat the Erll of Mar, and Sir Williame Oliphant of Newtoun, his Majesteis Advocat, as freindis and arbitouris for him, who ar looked to be heir lykwayes upoun Twisday to accept and subscryve the submissioun." Sederunts.

James Irving of Cleucheads.

This day James Irwing, called "of Cleuchheidis," appearing personally, became responsible for his tenants and servants, in accordance with the General Band of 1602 (*ante*, p, 217). Borders. Fol. 52, a.

The *Minute Book of Processes* gives the following memoranda collectively for November 1617 :—[1] Processes. Fol. 58, a.

[1] The most important event of the last week of November 1617 was the meeting of the General Assembly of the Church, as appointed by the proclamation of the 4th (*ante*, p. 253). The Assembly met duly at St. Andrews on the 25th, but with rather inauspicious beginnings. The Earl of Montrose, who ought to have been on the throne as King's Commissioner (*ante*, p. 255), sent a letter to the Council some days before, excusing himself on the ground of illness ; and the Earl of Haddington and Viscount Stormont had been hurriedly and conjointly substituted in his room, with Lord Binning, Lord Carnegie, Lord Kilsyth, Lord Advocate Oliphant, and Treasurer-Depute Sir Gideon Murray, as their assessors. The number of the clergy present was also disappointing. No fewer than seven of the bishops were absent,—the Bishops of Moray and Aberdeen from illness, and Bishop Knox of the Isles because he was away in his Irish diocese. Nevertheless, the Assembly set to work as well as it could. There are accounts of its proceedings both by Calderwood and Spotswood ; and it is well to quote both :—I. *Calderwood's Account* (vii., pp. 284–286), "The first day of the meeting, "Mr. Glaidstanes, Archdeane of St. Androes, "teaching in the morning, exhorted the "brethren of the ministrie to doe nothing "which might procure the stopping of their "mouthes. St. Androes [*i.e.*, Archbishop "Spotswood], teaching in the morning, "affirmed that the state of religion was in a "farre better case now nor at anie time be-"fore. He alledgit the first Reformers of "Religion had in effect embraced Episcopall "governement manie yeeres, and had con-"tinued therin if the death of the Regent, "the Erle of Marre, had not interveened, "and a seditious, fyrie man, Mr. Andro "Melvine, come home to disturb all good "order. . . . He inveighed bitterlie against "manie worthie men of the ministrie who "were then resting from their labours, and "said some of them were profane doggs, and "deserved to be hanged. . . . Efter the "reading of the King's letter, wherin he "willed them to conforme to his desire,— "otherways declared he wold use his own "authoritie,—the brethren of the Conference "were chosen. There was some reasoning ; "but the King and Bishop's purpose was "withstood, both in the privie Conference "and in the publict Assemblie. The "Bishope [Spotswood] was greeved, and "desired that some brethren might be "appointed to consider what should be "granted to give his Majestie satisfaction. "Mr. Patrik Galloway [see *ante*, p. 184, foot-"note], and some others were appointed for "the purpose. They devised these overtures "following : *first*, that the Communion be "given to every one severallie out of the

Processes.

Imprisonment: Donald Ferguson against Thomas Arnott.

Diligence: Alexander Stewart against Lauchlan M^cIntosh.

Proces for breaking orchyeardis: Thesaurair against James Bell, &c.

Ryott: Patrik Craufurd against Johnne Ratrey.

Letteris: Hary Falconer, &c. against Marques of Huntly for exhibiting of M^r Johnne Eschell, who wes resett be him.

Decreit [of] suspension: Alexander Forbes against Gilbert Baird.

Rebellion: David Murray aganist James Sandilandis.

Ryott: Johnne Morris against Johnne Archbald.

Suspension [of] lawburrowis: Johnne Stevenson against M^r George Sempill.

Suspension [of] lawburrowis: James Forbes against Gilbert Baird.

Ryott: Blakborn against Laird of Howstoun, *et e contra.*

Ryott and wearing of pistollettis: Baylie of Letham against Sir Johnne Bruce.

Suspension: James Jonstoun against William Jonstoun.

"minister's hand; *nixt*, if the re be anie "sicke person wha had lyen bedfast the "space of a yeere, the minister of the "paroche, being earnestlie requested, sould "minister the Communion to him, in "presence of sixe elders and other famous "witnesses; *item*, to write to his Majestie "with all humilitie to desire his Majestie to "hold them excused in that they had not "granted the Five Articles, and to promise "to travell for farther information to give "his Majestie satisfaction so farre as in them "lay.—By reason of the shortnesse of the "time, suddane conveening of the Assemblie, "absence of manie diocies and commissioners "from sundrie presbyteries, the Articles "were remitted to farther inquirie, rather "than anie thing perfytlie concludit."—II. *Spotswood's Account* (pp. 534–5)—"The "Archbishop made the exhortation; where-"in, having deduced the Story of the "Church from the time of Reformation, he "shewed that the greatest hinderance the "Church received proceeded from the "ministers themselves, who for the pleasure "of ill-disposed people spared not to provoke "his Majesty to just anger: exhorting them, "for the glory of God, the honour of the "Gospell, and their own good, to take "another course, and preferre the favour of "their King, under whom they enjoyed so "many blessings, to the vain applause of "factious persons. It seemed at first that "matters should have gone well. For the "first two days there was much calmnesse, "and the reasoning very formall and free. "But then, upon a motion to delay the con-"clusion to another Assembly, that the "ministers might have time to informe the "people of the equity of the Articles, the "greater part went that way, and all almost "cried for a delay. His Majesties Commis-"sioners declaring that the King would take "in ill part the delay and that nothing "should be done, considering the promises "they had made if a General Assembly "should be granted to receive the whole "Articles [see *ante*, p. 184, footnote], a "fashion was made to a condescending to "Private Communion, and the ministers "ordained to give the elements in the minis-"tration of the Holy Supper out of their "own hands to the people; which two Acts, "with a letter of excuse for the continuance "of the rest, were sent to his Majesty."—From these accounts it will appear that the General Assembly of November 1617 was all but a complete failure. It had been called for the purpose of adopting what had now for some time been talked of everywhere as "The Five Articles": viz., the proposals of the King that these practices should be introduced into the Church of Scotland—(1) Kneeling at the Communion; (2) Private Communion in urgent cases; (3) Private Baptism in the like; (4) Confirmation of Children at the proper age by the Bishop of the diocese; (5) Observation of Festival Days and other Sacred Anniversaries. The Assembly had evaded the first Article, nibbled cautiously at the second, and postponed the rest. What his Majesty thought of this result will appear presently.

Processes.

Ryott: Thomas Dempster against Thomas Kirkpatrik.

Ryott: Robert Hamiltoun against William Veitch.

Letteris against the Earle of Hoom and utheris chiftanis of clannes upon the Marches for keiping the peace.

Imprisonment: Agnes Peddie against Earle of Wintoun.

Suspension [of] lawburrowis: Johnne Forbes against Gilbert Baird.

Letteris: Thesaurair against the importeris and ventueris of tabbacco.

Rebellioun: James Murray against Johnne M^{c}Adam.

Ryott: Walter Lindsey against James Donaldson.

Circumventioun: Josias Kyrtoun, Inglishman, against Sir Johnne Kennedie.

Ryott: Robert Barbour against Johnne Lesly.

Rebellioun: Alexander Machan against George Bruce.

Proces of scandall and offer of the combatt: Nicoll Bruntfeild against George Rutherfoord.

Ryott: James Harper against M^{r} James Scott.

Imprisonment: Michaell Anderson against Thomas Lourie. Fol. 58, b.

Proces: Thesaurair against Moffatt, merchand, &c., for defrauding the Customeris.

Ryott: Johnne Hereot against Patrik Walker, *et c contra.*

Oppression: Robert Gibson against Alexander Anderson.

Proces for breaking orchyeardis: Sir William [Gedeon ?] Murray against Thomas Karingtoun.

Rebellioun: Mark Gladstanes against James Jonstoun.

Deforcment and wearing pistollettis: Lord Elphistoun, and James Smith, messenger, against Johne Baylie, &c.: *et e contra.*

Precognition against Hamiltoun of Stampeth and William Veitch.

Ryott: William Murray against James Livingstoun.

Ryott: William Mitchelhill against William Ellott.

Suspension: Johnne Lesly against Robert and William Barbouris.

Imprisonment: Agnes Hamiltoun against Baylies of Leith.

Ryott and oppression: Archibald Seller against William Layng.

Rebellion: David Weir against William Weir.

Suspension: William Lesly against Robert and William Barbouris.

Ryott: M^{r} Robert Youngson against William Gordon.

Ryott: William Allan against George Douglas.

Rebellion: Tacksmen of the Customes against Johnne Steill.

Edinburgh, 2nd December 1617.

Sederunt—Chancellor; Treasurer; Bishop of Glasgow; Wintoun, Viscount of Lawdirdaill; Bishop of Ros; Binning; Cranstoun; Carnegye, Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsyth; Bruntiland; Ridhous; Medop; Curriehill; Marchinstoun; Conservator; Sir Andro Ker; Sir Petir Young; M^{r} Petir Rollok. Decreta Nov. 1617–Nov. 1618. Fol. 163, b.

Caption against Sir

Complaint by M^{r} James Durhame of Duntarvie, sometime "argentair"

Decreta Nov. 1617–Nov. 1618.

to his Majesty, that Sir Robert Meluill of Bruntiland, knight, remains unrelaxed from a horning of 21st March 1610 "for not payment making to him of the sowmes of money specifeit and contenit in the saidis letteris of horning quhairof the said Sir Robert, as Thesaurair-Depute for the tyme, hes tane allowance in his comptis."—Pursuer appearing by Frances Durhame, his son, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Robert Melville for debt to Mr. James Durham.

Complaint by M^r^ Johnne Paip, younger, writer in Edinburgh, assignee constituted by M^r^ George Leslie, son of David Leslie, sometime of Ottirstoun, that Patrik, Lord Lindoiris, remains unrelaxed from hornings of 8th and 9th September last for not paying £120 as the annualrent of 1000 merks for three years past, and for not infefting him in an annualrent of £40 "to be upliftit yeirlie furth of quhatsumevir the said lordis landis or heritage, ay and quhill the redemptioun thairof be payment of the said sowme of ane thowsand merkis,"—together with £100 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order as above.

Caption against Lord Lindores for debt to Mr. John Paip.

Fol. 164, a.

Sederunts. Fol. 17, b.

"The quhilk [day] Williame, Lord Creichtoun of Sanquhair, Williame Creichtoun, sone to the late Lord Sanquhair, and William Creichtoun of the Hill, as principallis, and Johnne, Erll of Mar, and Sir Williame Oliphant of Newtoun, as arbiteris for the Lord Sanquhair, and Johnne, Vicount of Lauderdaill, and Sir Alexander Drummond of Medop, as arbiteris for Williame Creichtoun, and Sir William Douglas of Drumlangrig, as conservair [?] with Williame Creichtoun as one of his freindis, subscrivit the submissioun past betuix thame" (*ante*, p. 269).

Submission between Lord Sanquhar and William Crichton.

Acta Sept. 1617–July 1620. Fol. 127, b.

Sederunt—Chancellor; Bishop of Glasgow; Bishop of Ros; Lotheane; Vicount of Lawder; Binning; Cranstoun; Carnegye; Lord Fleming; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsaythe; Bruntyland; Medop; Ridhous; Currihill; Marchinstoun; Sir P. You[ng]; Conservator.

Edinburgh, 4th December 1617.

Fol. 128, a.

"Forsamekle as, Andro Scott, one of his Majesteis chirurgianis, haveing [had the] sowme of foure hundreth merkis gifted to him be his Majestie [in consideration] of his panes, travellis, and attendance upoun his Majestie . . in payment of his pensioun sen the 1612 yeir of God . . . he complenit to the Kingis Majestie, and his Majestie haveing . . . . . wes gratiouslie pleasit to gif ordour and directioun that the said Andro sould be payit of his said pensioun in tyme [comeing] . . [without ony payment to maid be him at all for the . . thairof]; and whairas the said Andro hes this day compeirit befoir the Lordis of his Majesteis Secreit Counsell Commissionaris of his Majesteis Rentis and hes freelie and willinglie renunceit . . . and disch[argeit] the haill biganes of the said pensioun restand awand to him at . . . . preceiding the feist and terme of

Resignation by Andrew Scott, one of the King's surgeons, of arrears of his annual pension of 400 merks, and warrant for the continuation of his pension for the future.

Martymes lastbipast: Thairfoir the saidis Lordis, according to his Majesteis will and pleasour signifeit [unto] thame in that mater, ordanis his Majesteis Thesaurair and Deputie-Thesaurair and ressavearis of his Majesteis rentis present and being for the tyme to , , and mak payment to the said Andro Scott of his said pensioun of f[oure] hundreth merkis yeirlie and termelie in tyme comeing at the usuall termes of payment thairof, begynnand the first termes payment at the feist and terme of Martymes lastbipast, and thairefter to continew d[uring] his lyvetyme. Anent the payment quhairof the extract of this act, with [the] said Andro his acquittanceis, salbe unto the saidis Thesaurair, Deputie-Thesaurair, and ressavearis a sufficient warrand." Acta Sept. 1617–July 1620.

Allowance of 500 merks yearly to John Dougal, collector of his Majesty's Customs north of the Spey, for his services in that post.

"Forsamekle as his Majesteis Thesaurair and Deputie-Thesaurair with advise of the Lordis Commissionaris of his Majesteis Rentis haveing maid choise of Johnne Dowgall to be collectour of his Majesteis customes fra Spay northe and searcher [for] forbiddin goodis within the saidis boundis, and thay being willing to gif [ane] reasounable and competent fee for his panes and travellis in this ch[arge] and service, quhairthrow he may the more cairfullie, diligentlie, and lie attend and awaitt thairupoun: Thairfoir the saidis Lordis Heigh [Thesaurair] and Deputie-Thesaurair, with consent of the Lordis Commissionaris of [his Majesteis] Rentis, hes modifeit and allowit, and be the tennour heirof modifeis [and allow]is, to the said Johnne Dowgall the sowme of fyve hundreth merkis us[uall] money of this realme yeirlie during his continuance in the charge [and ser]vice foirsaid and that for his fee in attending and awaiting upoun [that] charge; quhilk sowme salbe payit to him yeirlie be the ressavearis of his [Majesteis] rentis at the making and futeing of his comptis."

[Sederunt as recorded above.]

Decreta Nov. 1617–Nov. 1618. Fol. 164, b.

Edinburgh, 4th December 1617. Caption against Lord Colville for debt to James Leslie.

Complaint by James Leslie, tailor, burgess of Edinburgh, that James, Lord Colvill of Culrois, remains unrelaxed from a horning of 31st October last for not paying 2120 merks of principal and £200 of expenses.—Pursuer appearing by Petir Algeo, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

James Ogilbie, his son, and others, against David Barclay and others, for molestation and assault.

Complaint by James Ogilbie in Eister Matheris, George Ogilbie, his son, and David Watsoun and Johnne Kembe, servitors to the said James, as follows:—On October last, while pursuer's said servants were bringing their horses laden with "waire" from the seaside to the lands of Eister Matheris, David Barclay of Matheris accosted them, and "not only perforce tooke thame bak to the sea syde and toomed thair creillis of the wair in the sea, bot lykwyse compellit thame to sweir that thay sould nevir thairefter leade ony waire in thair said maisteris service." The same day defender met the said George Ogilbie on the lands of Eister Matheris and assaulted him with a "grite battoun." Pursuer "fell to the ground deid, and, being lying on the ground, the said David Barclay with his kneis and feit sua possit the said George body that the blood come furth Fol. 165, a.

Decreta Nov. 1617–Nov. 1618. Fol. 165, b.

at his mouth."—The said George Ogilbie appearing for pursuers, and the said David Barclay, defender, and George Barclay of Brigtoun, David Barclay, his eldest son, William Watsoun, his servant, James Dempster in the Temple, Mr Andro Wallace, minister at St. Sereis kirk, Thomas Renny, Alexander Willok, William Mylne, and Johnne Sutter, all servitors to the said David Barclay, not appearing, the Lords order defender and witnesses to be denounced rebels.

Caption against Archibald Home for debt to Robert Acheson.

Complaint by Robert Achesoun, merchant burgess of Edinburgh, that Archibald Home, chamberlain to Dame Anna Home, Lady Broxmouth, remains unrelaxed from a horning of 26th November last for not paying £938 of principal and £100 of expenses, together with 10 per cent. annual-rent on principal and expenses.—Pursuer appearing by John Gillespie, messenger, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Fol. 166, a.

Exoneration to John Brown for his pains and services in the building of a bridge at Sauchtonhall.

Petition by Johnne Broun at Gorgie Mylne, as follows:—At the request of the barons and gentlemen of West Lotheane petitioner undertook to build a bridge at Sauchtounhall. Having found caution, he began the work, and succeeded in finishing the bridge. By a former petition he craved "the approbatioun and allowance of his proceidingis," and the Lords accordingly ordered Sir Archibald Naper of Marchinstoun, one of the Council, Sir James Foullis of Colintoun, Alexander Lawder of Haltoun, and Mr William Adamesoun of Graycrooke, justices of the peace, to visit the work. They have reported in his favour.—The Lords find that the petitioner has fulfilled his contract, and they exoner him and his cautioners from the foresaid caution.

Fol. 166, b.

Thomas Fallisdale, in charge of his Majesty's works at Dumbarton, against James Anderson for molestation and assault.

Complaint by Thomas Fallisdaill, burgess of Dumbertane, as follows:—The charge of his Majesty's works at Dumbertane was committed to pursuer. "To the effect his Majesteis workis sould not ly for want of materiallis," pursuer sent "ane boit with some of his servandis to Inchynnane for some lyme; and, the boit being lying in the burne, and his servandis waiting on to have gottin lyme, James Andirsoun in Partik, upoun the ellevint day of August instant, come to the said burne, pat the boit oute of the burne, and strak the said complenairis men." Pursuer rode next morning to Inchynnane, and, finding the said James and his men busy taking the lime away, earnestly intreated him to give a part of the same for his Majesty's works and for ready payment. Defender not only refused, saying "that nowther the King nor Quene sould get ony pairt of that lyme," but assaulted him with a "grite sting."—Pursuer appearing personally, and defender not appearing, the Lords find for pursuer, and order defender to pay a fine of £40 to him.

Fol. 167, a.

Sederunts. Fol. 17, b.

Walter Hiddesley's patent.

"The quhilk day Walter Hiddesleyis patent wes ordanit to be past, with this conditioun,—that the importatioun of saltpeter and the exportatioun of poulder salbe custome free, without ony prohibitioun to otheris to importe poulder, and that he satisfie the awnaris of the ground and housis for ony harme to be sustenit be thame by his workis."

[No record of Sederunt.] Borders. Fol. 52, b.

Edinburgh, 5th December 1617. Irving of Bonshaw.

This day Williame Irwing of Bonshaw, appearing personally, became responsible for his tenants and servants as by the General Band of 1602 (*ante*, p. 217).

Edinburgh, 6th December 1617. Johnston of Ryell.

[No record of Sederunt.]

This day Eduard Johnnestoun of Ryell, appearing personally, became similarly responsible.

Edinburgh, 9th December 1617.

Sederunt—Chancellor; Treasurer; Bishop of Glasgow; Bishop of Ros; Perth; Lotheane; Roxburgh; Binning; Cranstoun; Carnegye; Lord Erskene; Lord Flemyng; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsyth; Bruntiland; Medop; Ridhouse; Curriehill; M^r^ Petir Rollok; Marchinstoun; Sir Andro Ker; Sir Petir Young; Conservator.[1] Decreta Nov. 1617–Nov. 1618. Fol. 167, a.

Alexander Gordon against Patrick Hannay for carrying fire-arms.

Complaint by the King's Advocate, and Alexander Gordoun of Auchleand, as informer, that Patrik Ahanna of Kirkdaill carried a pistollet in his belt on 8th May last and fired the same at a dog within the Clauchrie, and that daily since January last he has worn hagbuts and pistollets.—Pursuers appearing personally, and defender also appearing, the Lords assoilzie defender, who has denied the charges on oath. Fol. 167, b.

Thomas Urquhart of Burrisyairds against Alexander Dunbar of Kilboyack and others for the abduction of his daughter.

Complaint by the King's Advocate and Thomas Urquhart of Burrisyairdis, as follows:—Alexander Dumbar of Culboyak and Dumbar, fiar of Hemprigis, "undirstanding that the said Thomas had a dochter callit Marjorie Urquhart, of fyftene yeiris of aig, and knawing that he wold have a speciall cair to have hir weill bestowit, and being out of hoip to procure his consent and good will to matche hir in mariage as thay had appointit," resolved to abduct her from her father's house. In order to remove pursuer's suspicions they proposed one Johnne Dumbar, called fiar of Egirnes, nephew of the laird of Mochrum, as a husband for his daughter, "gevand him to undirstand that he wes a man of ane grite estaite, and that he wald get noblemen and baronis to undirtak for ony thing he wald promeis." By this means they obtained access to pursuer's house. On 30th October last, while pursuer was 5 or 6 miles away from home at a tryst, they came by night to his house of Sanquhair, accompanied by the said Johnne Dumbar, James, Niniane, and Robert Dumbar, brothers of the laird of Hemprigis, Alexander Dumbar, called "the soioure" [soldier], Alexander Dumbar, tailor, Thomas Alschinder at the mill of Kilboyak, and others to the number of ten, all armed with "jakis, lanceis, steil-bonnetis" &c., as well as hagbuts and pistollets. The only occupants of the house were pursuer's wife, daughter, and some servant women. "The said Alexander Dumbar of Kilboyak and Johnne Dumbar of Hemprigis, brether, entering in the said house and intertenying discourse Fol. 168, a.

[1] The *Book of Sederunts* omits Perth; Lotheane, Roxburgh, Cranstoun, Erskene, Flemyng, and Sir Andro Ker, and adds:—B. of St Androis. (See Sederunt of 11th December and footnote on p. 280.)

Decreta Nov. 1617–Nov. 1618.

with his wyff, the rest attendit and stayit at the yet till the said Johnne Dumbar of Egirnes violentlie hurlit the said Thomas dochter out of his hall to the yet, quhair the rest attendit and took hir af his hand and set hir on horsbak behind ane of thair nomber. And, as the said Johnne Dumbar of Egirnes wes violentlie hurling away the said Thomas dochter furth of the said hall, the said Thomas wyff heiring the cry and preissing to have run to hir said dochter for releif of his said dochter, the saidis Alexander Dumbar and Johnne Dumbar of Hemprigis pat violent handis

Fol. 168, b.

in hir, held hir fast a space, and thairefter violentlie rasched hir to the ground and verie schamefullie misusit hir. And, the saidis haill personis, concurring togidder, raid away with the said Thomas dochter first to Kilboyak; and, finding that no place of suirtie, feiring the cuntrey wald ryse to hir releif, thay caryed hir thairfra to Eist Grange, quhair thay aboad that nicht; and upoun the morne brocht hir bak to Kilboyak, quhair scho remains as yit, and quhair thay intend to keip hir aganis quhatsumevir pouer, force, or auctoritie that sall come to procure hir releiff. And, the said Thomas haveing that same nicht come home, and he and his spous haveing followit thame first to Kilboyak and then to Hemprigis, earnistlie intreating thame to deliver his dochter unto him, thay not onlie refuisit him with mony proud and disdanefull speetcheis, bot thay schoret and avowit to have his lyff, sua that he wes constraynit to returne home without his said dochter."—Pursuers appearing personally, and defenders not appearing, and the former having said that "thay wald onlie insist at that tyme upoun that point of this libell concerning the exhibitioun of the said Margaret, and protestit that thay sould not be

Fol. 169, a.

prejudged in thair criminall persute aganis the saidis defendaris before the Justice Generall," the Lords, having heard witnesses, find that the said Alexander Dumbar of Kilboyak, Niniane, Robert, and James Dumbar, Alexander Dumbar "the soioure," and Johnne Dumbar of Egirnes violently took away the said Margaret from her father's dwelling and still have her in their keeping, and decern that they be ordered to enter their persons within the Tolbooth of Edinburgh, and to remain there at their own expense till they exhibit the said young lady. The Lords assoilzie

Fol. 169, b.

the said Johnne Dumbar, fiar of Hemprigis, Alexander Dumbar, tailor, and Thomas Alexander at the mill of Kilboyak, because pursuers have failed to find them responsible for the entry and exhibition of the said Margaret.

Caption against William Leirmonth and his brothers for debt to John Dickson.

Complaint by Johnne Diksoun, merchant burgess of Edinburgh, that William Leirmonth, eldest son of William Leirmonth of Hill, and Johnne and Frances Leirmonth, his brothers, remain unrelaxed from a horning of 3rd November last for not paying £840 of principal and £100 of expenses.—Pursuer appearing personally, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Alex. Gordon of Hills against Patrick

Fol. 170, a.

Complaint by Alexander Gordoun of Hillis, as follows:—Pursuer, by special consent of the session of the kirk of Wigtoun, "within quhilk parrochin he dwellis," set up "ane dask and sait, alsweill for decoiring of

Hannay and his servants for destroying a desk and seat in the kirk of Wigtoun.

the kirk as bettir accommodating him selff, his wyff, and bairnis for heiring of the preecheing." On 7th November last, Patrik Hannay of Kirkdaill went to the kirk and "violentlie threw the said complenaris dask and saite furth of the place and rowme quhair the same be ordinance of the sessioun wes placed as said is." They were afterwards restored to their places; and the kirk door was locked, and the key given to the minister. However, about 10 o'clock p.m. the same day, the said Patrik Ahannay, accompanied by Gawin Gellie and Andro Dog, his servitors, broke open the door and a second time removed the seat and desk belonging to pursuer.—Pursuer and defenders appearing, the Lords assoilzie the latter, because thay have denied the charges on oath. The Lords order the said Alexander Gordoun and Patrik Ahanna to find caution in the sum of 1000 merks each. Decreta Nov. 1617–Nov. 1618. Fol. 170, b.

Mr. William Barclay and James Mowat, procurators-fiscal of Aberdeen, against John Wood in Peterhead for deforcing and assaulting Donald Shand, one of their officers.

Complaint by Mr Williame Barclay and James Mowat, "procuratour fishaillis of the commissariot of Abirdene," as follows:—They directed Donald Schand, one of their ordinary officers, to execute a summons against Johnne Wood, merchant in Petirhead, to appear and "to have hard and sene him decernit to have maid the goodis and geir of umquhile Abrahame Wood, his brother, furthcumand." When the said officer gave him a copy of the summons on 13th December, he "first upbraidit the said Donald Schand with mony injurious and reprotchfull speetcheis, provockit him to the combat, raive the copie and kaist it in his face, calling him 'lowne, vagabound, and deboschet man,'" and thereafter assaulted him so violently that "nane of the officeris of the commissariot will use ony of the said commissaris preceptis, gif this be sufferit to pas over unpunist."—Pursuers appearing by , their procurator, and defender not appearing, the Lords order defender to be denounced rebel.

Suspension of horning against Alexander Forbes and a number of others in Aberdeenshire at the instance of Baird of Auchmedden and others.

Complaint by Alexander Forbes in Boyndlie, James Forbes in Tormair, his son, George Adamesoun in Nether Glasla, Edward Adamesoun there, Normond Forbes in Killiequhearne, Robert Pittindreich in Auchliue, Johnne Third there, Johnne Ogstoun in Ladisfurd, Johnne Adamesoun in Skilmone, Patrik Smyth in Over Glasla, George Will at the mill of Boynlie, Archibald Ogstoun there, Alexander Moreis and William Laurence, servitors to the said Alexander Forbes in Boynlie, Gilbert Coutis, servitor to the laird of Pitsligo, Archibald Hepburne and William Andirsoun in Pitsligo, William Gordoun, grieve in Carnequhing, Thomas Forrest in Auchtintun, Thomas Keyth in Windieheadis, George Ogstoun in Achinacludie, James Pennie in Wodhead, James Benny in Litle Draco, George Tailyeour there, James Clerk in Nether Boyndlie, Lwnane in Pitsligo, Patrik Moresoun in Carnequhingie, Robert Hendirsoun there, and Johnne Forbes in Pitnacader, as follows:—They are informed that they are at the horn at the instance of Gilbert Baird of Auchmeddane, George Baird, his son, and James Kid in Auchmeddane, for not finding caution for the indemnity of their tenants,—the said Alexander Forbes in Boyndlie and Johnne Forbes in Pitnacader in 1000 Fol. 171, a.

Decreta Nov. 1617 Nov. 1618.

merks each, the said George Ogstoun and Edward Adamsoun in 500 merks each, and the others in 300 merks each (*ante*, p. 257). The said horning should be declared null for these reasons:—"The officer executour of the saidis letteris, be collusioun, as appeiris, betuix him and the said Gilbert Baird, and of plane purpois and intentioun to draw the saidis complenaris in some inconvenient and under the dainger of horning, deliverit unto thame schorte ticketis sua informalie writtin as hardlie could thay undirstand quhat the mater meaned; and in thir ticketis the panes of the lawburrowis quhairupoun the saidis complenairis wer chairget to find the

Fol. 171, b.

said cautioun wer altogidder disconforme to the panes contenit in the principall letteris reasit aganis thame. And, thay trusting that nothing bot sinceritie and treuth had bene intendit aganis thame in this mater, the saidis complenairis causit forme ane obligatioun of cautionarie conforme to the ticketis deliverit unto thame, quhairin Johnne Forbes of Pitsligo wes bound cautioun for thame; and this obligatioun the saidis complenairis send in dew and lauchfull tyme, and lang before the expyreing of the dayis of the chairge, to the Clerk of Prevey Counsaill, to be insert in the buikis of Secrite Counsaill." It was presented to him on last by Alexander Dunlop, writer; "and, thay haveing conferrit the same with the warrand of the principall letteris lyand in his handis, thay fand that in sindrie pointis, especiallie in the panes, the obligatioun wes disconforme to the warrand,—quhilk the saidis complenairis are content to refer *simpliciter* to the declaratioun of the said Clerk of Prevey Counsaill. And, sua, the said Alexander Dunlop persaveing that the saidis complenairis finding of cautioun disconforme to the principall letteris of lawburrowis wald not liberat thame frome the dainger of horning, he causit forme ane obligatioun of cautionarie aggreable to the principall letteris, quhilk he returnit bak to thame with diligence; and thay, with the gritest expeditioun that possiblie thay could, send bak the same agane, and causit register the same in the buikis of Secrite Counsaill. Quhairupoun the saidis complenairis reased ane suspensioun, quhilk hes bene discussit be the Lordis of Secrite Counsaill. And, before thay could convenientlie get thair last negotiatioun registrat, notwithstanding the lauchfull diligence usit be thame in that mater, this present horning wes execute aganis thame." If "thair wes ony disconformitie thairin frome the principall warrand, that aucht nawyse to prejudge the saidis complenairis, quha are simple ignorant men dwelling in landwart, and who trewlie and tymouslie according to thair copeis gaif obedience to

Fol. 172, a.

the said chairge."—Pursuers appearing by M^r^ Thomas Nicolsoun, and defenders not appearing, the Lords suspend the process; but they reserve the "annullitie of the said horning to be persewit before the Lordis of Counsale and Sessioun."

Fines. Fol. 35, a.

James M'Math against John Lindsay and others for assault.

Complaint by James M^c^Math in Schaw, as follows:—As pursuer was returning from the burgh of Dunbartane to his own house by the city of Glasgow on 7th October last, Johne Lindsay, natural brother of Alexander Lindsay of Dunrod, accompanied by James Robesone, servitor to

the said Alexander, Johne Pollok, servitor to Archibald Seller, Thomas Buchannane, servitor to Dunrod, and Thomas Caldwell, servitor to Dunrod, —who had lain in wait for him for two days at the town end of Glasgow called ,—rushed out on pursuer, and gave him a great blow with a "battoun" before he was aware of his presence. His companions then assaulted pursuer with drawn swords.—Pursuer and defenders (Johnne Lindsay and James Robesone) appearing, the Lords find the charge proven, and order the defenders to pay a fine of 100 merks to the Treasurer and £20 to pursuer. They are also to find caution, the said Johnne Lindsay in £1000, James Robesone in 1000 merks, for the indemnity of pursuer, and are to be detained in the Tolbooth of Edinburgh at their own expense till they pay the fines and find the caution. Fines.

Edinburgh, 11th December 1617.

Sederunt—Chancellor; Treasurer; Bishop of Glasgu; Bishop of Ros; Perth; Lotheane; Roxburgh; Binning; Cranstoun; Carnegye; Lord Erskine; Lord Fleming; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsyth; Bruntyland; Medop; Ridhous; Curriehill; M P. Rollok; Marchinstoun; Sir Andro Ker; Sir P. Young; Conservator.[1] Sederunts. Fol. 18, a.

Edinburgh, 11th December 1617.[2] Commission to Lord Fleming for the trial of William Gibson, charged with murder.

Commission under the Signet, signed by the Chancellor, Mar, and James, Bishop of Glasgow, is given to Lord Fleming to try William Gibsoun in Gibsones Maling, who has been arrested by him because he remained unrelaxed from a horning of 11th June 1606, raised at the instance of William Gilchrest in Wester Wod, son, Edward Gilchrist at the "yett of Tummernald," father, William and David Gilchrist, brothers, and the remaining friends, of the late Johnne Gilchrist in Wester Wod, for not having found caution for his appearance before the Justice to have answered the charge of having murdered the said Johnne. Commissions. Fol. 41, b.

Edinburgh, 16th December 1617.[3]

Sederunt—Chancellor; Treasurer; Bishop of Ros; Perthe; Lauderdaill; Binning; Lord Erskine; Lord Fleming; Lord Carnegye; Master of Elphinstoun; Privy Seal; Justice Clerk; Advocate; Treasurer-Depute; Kilsaythe; Bruntyland; Ridhous; Medop; Curriehill; Marchinstoun; M[r] P. Rollok; Sir Andro Ker; Conservator. Acta Sept. 1617-July 1620. Fol. 128, b.

[1] There is obviously some confusion in the Sederunts of 9th and 11th December,—that given above being identical with the Sederunt for 9th December, according to the *Decreta* (*ante*, p. 276, footnote).

[2] On this day Mr. Archibald Simson, who had been summoned before the Bishops in Edinburgh to answer for his offence to the King in the matter of the "Protestation" of the preceding June (*ante*, p. 166, footnote), made an apology and recantation that seemed sufficient, and was accordingly relieved from his ward in Aberdeen, and allowed to return to his own parish of Dalkeith. Mr. Calderwood, who was of sturdier nature, was still about Edinburgh, prepared to go into banishment if necessary, but not yet without hope that his sentence of banishment might be modified.

[3] By this time his Majesty had intimated, in very plain terms, his dissatisfaction with the poor result of the recent General Assembly at St. Andrews. He had done so in two letters sent from Newmarket,—one, of date

Acta Sept. 1617-July 1620.

"Forsamekle as, James Spadie, and Agnes Spedie in Kirklistoun, his suster, being tane and examinat upoun the murthour of umquhill William Spottiswode (*ante*, p. 260), thair being divers cleir presumptionis aganis thame of thair guiltynes thairof, thay continew obstinat in denying of the same nochtwithstanding of the presumptionis and evidencyis produceit aganis thame, thinking be thair constant denyall of the treuthe that thay sall eshew bothe tryall and punishement; and whereas the exact tryall and not punisheing of suche secreit and hid murthoris is offensive to God, and may encourage otheris wicked and evill disposit personis to committ the lyke murthouris: Thairfoir the Lordis of Secreit Counsell gevis pouer and commissioun be thir presentis to his Majesteis Justice, Justice Clerk, and Advocate to call the saidis personis of new befoir thame, to examine thame upoun the said murthour, and, as thay sall find the occasioun, to putt [thame] to tortour in suche forme and maner as thay sall find expedient; ferme and stable halding and for to hald all and quhatsomevir thingis thay sall do heirin."

Warrant for putting James Spedie and his sister to the torture for their obstinate refusal to plead guilty to the murder of William Spottiswood.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Sir Rorye M^cCleud of Hereis, and broght, presentit, and exhibite befoir the saidis Lordis Johnne Shaw for obedyence of the act quha[irby] he wes obleist to that effect, and upoun the exhibitioun of him askit instrumentis. Lyke as the saidis Lordis committit the said Johnne [to] warde within the Tolbuith of Edinburgh quhill forder ordour be tane [with him]."

Exhibition of John Shaw by Sir Rory Mac-Leod of Harris.

6th December, addressed to Archbishops Spotswood and Law conjointly, and the other, of date 11th December, addressed to Archbishop Spotswood singly. The following is the tenor of the first, as reported by Spotswood (p. 535):—"We have received "your letter, and thereby understand what "your proceedings have been in that As- "sembly of St. Andrews; concerning which "we will have you know that we are come of "that age as we will not be content to be fed "with broth, as one of your coat was wont "to speak, and think this your doing a dis- "grace no less than the Protestation (see "*ante*, p. 166, footnote). Wherefore it is "our pleasure, and we command you as you "will avoid our highest displeasure, the one "of you by your deputy in St. Andrews and "by yourself in Edinburgh, and the other of "you in Glasgow, keep Christmas Day pre- "cisely, yourselves preaching and chusing "your texts according to the time. And like- "wise that ye discharge all modification of "stipends for this year to any minister what- "soever, such excepted as have testified their "affection to our service at this time by "furthering at their power the acceptation "of the Articles proposed." In a postscript these words were added:—"So many Bishops "as you can get warned in time to preach at "their sees on Christmas Day, urge them to "do it"; and again these, written with his Majesty's own hand:—"Since your Scottish "Church hath so far contemned my clemency, "they shall now find what it is to draw the "anger of a King upon them." The following is Spotswood's report of the other and later letter, addressed to himself singly:—"After we had commanded the dispatch of "our other letter, we received an extract "concluded (we know not how) in your As- "sembly, and subscribed by the Clerk thereof: "the one concerning Private Communion, and "the other concerning the forme to be used "at the receiving of the Holy Sacrament (see "*ante*, p. 271, footnote): both so hedged "and conceived in so ridiculous a manner as, "—besides that of the whole Articles pro- "poned these two were the least necessary to "have been urged and hastned,—the scorn- "full condition and forme of their grant "makes us justly wish that they had been "refused with the rest. For in the first, "concerning the Communion allowed to sick "persons, besides the number required to re- "ceive with such patients, and a necessity "tying them upon oath to declare that they "truely think not to recover, but to dye of

Edinburgh, 16th December 1617.

[Sederunt as recorded above.]

Decreta Nov. 1617–Nov. 1618. Fol. 172, a.

Caption against Lauder of Haltoun for debt to Thomas Inglis.

Complaint by Thomas Inglis, portioner of Auldlistoun, that Alexander Lawder of Haltoun remains unrelaxed from a horning of 21st January last for not paying 220 merks of principal and £20 of expenses.—Pursuer appearing by James Douglas, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Fol. 172, b.

Caption against Callander of Blackcraig for debt to Thomas Aikman.

Complaint by James Aikman, merchant burgess of Edinburgh, that Alexander Callander of Blakcraig remains unrelaxed from a horning of 30th August last for not paying £75 of principal and £20 of expenses. —Pursuer appearing by James Eisoun, and defender not appearing, the Lords give order as above.

Fol. 173, a.

Edinburgh, 18th December 1617.

Sederunt—Chancellor; Treasurer; Bishop of Ros; Lotheane; Tullibardin; Lauderdaill; Binning; Carnegy; Fleming; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsaythe; Bruntyland; Medop; Mairchinstoun; Sir Peter Young; Conservator.

Acta Sept. 1617–July 1620. Fol. 128, b.

Charge for the appearance before the Council of Robert Montgomery of

"Forsamekle as, complaint being maid to the Kingis Majestie be Williame Cwnninghame, sone to the laite Abbot of Kilwynning, showeing that, he and his brethir and susteris being, by the deathe and slaughter of thair fader [committit be] Robert Montgomerie of Skelmurlie, depryvit of all the

Fol. 129, a.

"that disease, they are yet further hedged in "with a necessity to receive the sacrament "(in case foresaid to be ministered unto them) "in a convenient room; which what it im- "porteth we cannot guess, seeing no room can "be so convenient for a sick man (sworn to "dye) as his bed, and that it were injurious "and inhumane from thence in any case to "transport him, were the room never so neat "and handsome to which they should carry "him. And, as to that other Act ordaining "the minister himself to give the elements in "the celebration out of his own hand to every "one of the communicants, and, that he may "performe this the more commodiously, by "the advice of the magistrates and honest "men to prepare a table at which the same "may be conveniently ministered,—truly in "this we must say that the minister's ease "and commodious sitting on his taile hath "been more lookt to than that kneeling "which for reverence we directly required to "be enjoyned to the receivers of so divine a "Sacrament; neither can we conceive what "should be meant by that table, unless they "mean to make a round table (as did the "Jews) to sit and receive it. In conclusion, "seeing either we and this Church here must "be held idolatrous in this point of kneeling "or they reputed rebellious knaves in refus- "ing the same, and that the two foresaid "Acts are conceived so scornfully, and so far "from our meaning, it is our pleasure that "the same be altogether suppressed, and that "no effect follow thereupon." With the foregoing letters, as Spotswood also informs us, there came a royal letter to the Privy Council, ordering them to stop the payment of the stipends of all refractory ministers throughout the country until they had conformed and their conformity had been testified by the bishops of their dioceses. The effect of his Majesty's communications upon the clergy, Spotswood goes on to tell us, was at once very considerable. "Which "letter," he says, "being shewed to the "ministers of Edinburgh, and others that "happened to repair to that city for augmen- "tation of stipends, did cast them into a "great fear, and, repenting their wilfulnesse, "as they had reason, they became requesters "to the Archbishop of St. Andrews to preach "as he was commanded on Christmas Day at "Edinburgh, trusting his Majesty should be "mitigated by his obedience and intercession "for the rest."

Acta Sept. 1617–July 1620.

[meanis of leving that] outher thair said fader had providit for thame befoir his deathe bot [?] mycht haif purchest for thame thairefter, and thairfoir humelie desiring that [some] satisfactioun might be maid unto thame be the said Robert for assyithe[ment] of the said slaughter, his Majestie after dew consideratioun of the said [com]playnte recommendit the satling of that mater unto the Lordis of Secreit Counsell, willing thame to tak suche ordour thairintill as sould seame most agreable to reasoun and equitie; and quhairas the not perfyte satling of this mater by removeing of all eleistis quhilkis may be pretendit and objectit aganis the reconsiliatioun of that feade maid be his Majesteis expres command and directioun in presence of his Majesteis Counsell may foster and interteny some miscontentment and hairtburning in the hairtis of the pairtye greeved, quhairupoun some inconvenientis may fall oute to the disturbance of his Majesteis peace: Thairfoir the saidis Lordis ordanis letteris to be direct chargeing the said Robert Montgomerie of Skelmurlie, on the ane pairt, and the said Williame Cwnninghame, on the other pairt, to compeir personalie befoir the saidis Lordis upoun the day of &c. to heir and see suche assyithment and satisfactioun modifeit be the saidis Lordis to be payit be the said Robert to the said Williame and his brether and susteris, and suche other ordour tane be the saidis Lordis for the full and finall setling of that feade standing betuix thame, as salbe aggreable to ressoun and equitie, under the pane of rebellioun, &c., with certificatioun &c."

Skelmorlie and William Cunningham, in order to the determination of the assythment to be given by Montgomery to Cunningham and his brothers and sisters for the slaughter of their father.

Borders. Fol. 52, b.

This day Robert Maxwell of Carlaverok, appearing personally, became responsible for his tenants and servants in accordance with the General Band of 1602 (*ante*, p. 217).

Maxwell of Caerlaverock.

Decreta Nov. 1617–Nov. 1618.

[Sederunt as recorded above.]

Edinburgh, 18th December 1617.

Fol. 173, a.

Complaint by Johnne Scot of Sintoun, assignee of Gilbert Ellot of Stobbis, that Johnne Ainslie, merchant burgess of Jedburgh, and Williame Ainslie, his son and heir, remain unrelaxed from a horning of 16th April 1616 for not paying 420 merks of principal and 80 merks of

Caption against John and William Ainslie.

Fol. 173, b.

expenses.—Pursuer appearing personally, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Complaint by Sir George Ramsay of Dalhoussy, and William Ramsay, his son and heir, that David Kynneir, elder of that Ilk, remains unrelaxed from a horning of 11th February 1606 for not paying 1000 merks as annualrent of 10,000 merks for the term of Martimas 1605, together

Caption against Kinnear of that Ilk for debt to Ramsay of Dalhousie.

Fol. 174, a.

with 500 merks of expenses.—Pursuers appearing by Alexander Douglas, macer, and defender not appearing, the Lords give order as above.

Complaint by James Lundy, brother german of Robert Lundy of Balgony, that George Allerdes of Skathowie, and Robert Allerdes, his son and heir, remain unrelaxed from a horning of 26th August last for not paying 900 merks of principal and 100 merks of expenses.—Pursuer

Caption against George Allardice and his son for debt to James Lundie.

appearing by Mr Johnne Rollok, and defenders not appearing, the Lords give order as above. Decreta Nov. 1617–Nov. 1618.

Caption against Alexander Christie and David Tullie for debt to Patrick Hamilton.

Complaint by Patrik Hammiltoun, writer to the signet, that Alexander Cristie at Oxname Mylne and David Tullie in Woddis remain unrelaxed from a horning of 8th November last for not paying 835 merks of principal and 100 merks of expenses.—Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, the Lords give order as above. Fol. 174, b.

John Somerville against James Miller for assault and robbery.

Complaint by Johnne Sommervell, portioner of Haltoun, and servitor to Archibald, Earl of Ergyle, that, while repairing along the highway at the Rough Cleuch in Solisgirth Mure on 16th November last, he was assaulted by James Miller in Barnok Know and some armed accomplices, and threatened with death unless he delivered up to them his purse with 20s. in silver therein.—Both parties appearing, the Lords assoilzie defender, because the charge has not been proven. Fol. 175, a.

Edinburgh, 23rd December 1617.

Sederunt—Treasurer; Binning; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsaythe; Bruntyland; Ridhous; Currihill; Medop; Marchinstoun; Mr P. Rollok; Conservator. Acta Sept. 1617–July 1620. Fol. 129, a.

Liberation of John Gordon, Sheriff-Depute of Aberdeen, from his confinement in Edinburgh.

"The Lordis of Secreit Counsaill, according to ane warrand and directioun in write, signed be the Kingis Majestie, and presentit this day befoir thame, and red in thair audience, freethis and relevis Johnne Gordoun of Lentushe, schireff-depute of Abirdeene, of his present confynment and ward within the burgh of Edinburgh, and gevis and grantis unto him libertie and licence to pas quhair he pleis as his Majesteis goode subject, and dischargeis all actis, bandis, and cautionarie maid and fundin be him for his remaning and keeping of warde within the said burgh, and declairis him and his cautionaris to be free thairof in all tyme comeing.—Followis his Majesteis missive for warrand of this act:—Right trustie and right weilbelovit cosine and counsellour and right trustie and weilbelovit counsellouris, we greete yow weele. Wheras we ar gratiouslie pleasit to yeild to the humble sute maid to us on the behalf of Johnne Gordoun, schireff-depute of Abirdeene, for his releif of his present confynment within oure burgh of Edinburgh, these ar thairfoir to will and command yow upoun ressett heirof to gif present ordour for his libertie and releif of his said confynement and to discharge quhatsoevir actis and bandis maid or grantit be the said Johnne for suirtie thairof. Wheranent as these salbe unto yow a sufficient warrand, so we bid yow fairweele. At Newmercatt, the 2nd of December 1617" (*see ante*, p. 225). Fol. 129, b.

Charge for the payment of the first term of the taxation of £200,000 voted in March last.

"Forsamekle as the first termes payment of the taxatioun of ij^{c}m li. grantit to his Majestie in the moneth of Marche 1617 is now bipast, quhairthrow it is necessair that letteris be direct for chargeing of all personis addebtit in payment of the said first termes payment of the said taxatioun, alsweele being within this kingdome as without the same, to

Acta Sept. 1617-July 1620.

mak payment of thair pairtis of the same taxatioun in maner following: Thairfoir the Lordis of Secreit Counsell ordanis letteris to de direct chargeing all and sindrie archiebischoppis, bischoppis, abbotis, prioris, lordis of erectioun, and otheris beneficeit personis contenit in his Majesteis taxt rollis, thair factoris, chalmerlanis, and intromettouris with thair rentis and leving, and all and sindrie schireffis, steuartis, baillies, chalmerlanis, and ressavearis of his Majesteis propirtie, thair deputis, and clarkis, and all and sindrie provestis and baillies of burrowis, to mak payment of that soume that thay and everyone of thame ar stentit to Sir Gedeone Murray of Elibank, knight, collectour of the same taxatioun, his deputis, and officiaris in his name haveand his pouer and commissioun [to res]save the same, within tuentie dayis nixtefter the chairge, under the pane of rebellioun, &c. And, yff thay failyee, to denunce. As alsua chargeing all and sindrie personis addebtit in payment of ony [pairt] of the first terme of the same taxatioun quho ar presentlie furthe of this kingdome, be oppin proclamatioun at the mercatt croce of Edinburgh and peir and shoir of Leythe, to mak payment of that soume that [thay] and ilkane of thame ar taxt unto to the said Sir Gedeone Murray of Elibank, knight, collectour of the said taxatioun, his deputis, and officiaris in his name haveand his pouer to ressave the same, within threescoir dayis nixtefter thay be chargeit thairunto, under the pane of rebellioun, &c. And, yf thay failyee, the said space being bipast, to denunce, &c."

Decreta Sept. 1617-July 1620.

[Sederunt as recorded above.]

Edinburgh, 23rd December 1617.

Fol. 175, b.

Mr. John Drummond against Thomas Methven for challenge to combat.

Complaint by Mr Johnne Drummond of Leitchhill, as follows:—Thomas Methven in Leitchhill, pursuer's tenant, challenged him to the combat on last without any assigned reason. Defender appointed the Hill of Morgan for the combat, and gave pursuer the challenge "with most proud, injurious, and disgracefull speitches, saying the said complenair durst not go with him and accept his challange and decyd the questionis betuix thame by tryall of thair courage."—Pursuer appearing and defender not appearing, the Lords order defender to be denounced rebel.

Fol. 176, a.

Charge to the Laird of Mackintosh to exhibit John McConeill McEane.

In accordance with the order of Council given at the instance of Alexander Stewart, son, James Stewart, brother, and remaining kin, of the late Waltir Stewart, burgess of Invernes, Sir Lauchlane McIntosche of Dunnauchtane and the said Alexander appeared this day. The Lords order the said laird to exhibit Johnne McConeill McEane on 22nd April next under the pain of £1000, in order that he may be handed over to the Justice for trial.

Fol. 176, b.

William Ferguson against the Magistrates of Edinburgh for wrongful imprisonment.

Complaint by Williame Fergussoun, servitor of Sir George Hay of Netherliff, Clerk of Register, that on 15th instant he was committed to the Tolbooth of Edinburgh by James Dalzell, one of the Bailies of Edinburgh, and is still detained there, though he is a free subject and has committed no offence.—Pursuer appearing personally, and James Dalzell

appearing for the magistrates, the Lords ordain defenders to release pursuer, as Williame Hay, servitor to said Clerk of Register, has appeared and become caution for him in £100 that he shall appear before the Lords whenever summoned. Decreta Nov. 1617–Nov. 1618.

Archibald Campbell, brother of the Laird of Lawers, freed from his caution for compearance to answer charges against him by the Earl of Argyle.

"The Lordis of Secreit Counsaill, understanding that Archibald Campbell, bruther to the Laird of Laweris, hes this langtyme bigane bene under cautioun and promeis to compeir befoir the saidis Lordis to ansuer upoun the challenge and accusatioun of Archibald, Erll of Argyle [*ante*, p. 236], and that he hes compeirit preceislie at the termes and dyetis appointit unto him, and hes ever bene reddy to ansuer to ony thing the said Erll can lay to his charge; and whereas it is no ressoun that he sould still be haldin under this cautioun: Thairfoir the saidis Lordis freethis and relevis the said Archibald of all bandis, actis of cautioun, and promeisis maid be him for his remaning within the burgh of Edinburgh, or for his compeirance befoir the saidis Lordis to ansuer upoun the challange of the said Erll, and declairis the said Archibald and his cautionaris to be free thairof in tyme comeing, but prejudice alwayes of quhatsomevir actioun that the said Erll hes aganis the said Archibald to be persewit befoir the judge competent as accordis of the law." Sederunts. Fol. 18, b.

Border matters.

"Missives to the Commissionaris of the Middle Shyris anent Bordour materis."

Edinburgh, 25th December 1617.[1] Commission for the trial of Malcolm M'Ilvaine for murder and theft.

Commission under the Signet, signed by Binning, Oliphant, and R. Cokburne, is given to the sheriff-principal of Dunbartane, or, in his absence, to Sir Buchannane of that Ilk, and one of the sheriff-deputes of the said sheriffdom, to try Malcolme McIlvane, vagabond, at present in the tolbooth of Dunbartane, (*a*) for the murder of Johnne McClintoche, tenant of the Laird of Lus, by stabbing him with a dirk in a barn near the port of Rosdo on the night of 27th December instant, and (*b*) for divers acts of theft and inbringing of thieves. Commissions. Fol. 42, b.

[1] This was Christmas Day; and the celebration of that day throughout Scotland corresponded with the expectations which recent events had caused to be formed on that subject (see *ante*, p. 281, footnote). Calderwood is here a more exact authority than Spotswood. "The commissioners appointed for "the modification of stipends to the kirks of "the late erection," says Calderwood (vii. p. 288), "dissolved the sooner becaus it behoved "everie bishope to repaire to his owne diocie "and teache upon the Nativitie of Christ in "their cathedral-kirk upon the 25th of December, as the King had directed them to "doe. The Bishope of St. Andrews [Spotswood, never called 'Archbishop' by Calderwood when he can avoid the phrase] "preached in the Great Kirk of Edinburgh "that day. Before he entered in his sermon, "he commendit the King for his care to "maintain the puritie of religion, and circumspection that nothing be brought in into "the Kirk but that which is indifferent of "itselfe. He laboured to prove that festivall "dayes were observed with preaching and "prayer not long after the Apostles' times. "Mr. William Couper, Bishop of Galloway, "preached as Deane of the Chappell Royall, "where the organes were played upon."—Calderwood goes on to mention that one minister of his own way of thinking, Mr. Robert Wallace of Tranent, took this Christmas news so heavily to heart that, being in an invalid state already, he exclaimed, "God, if my eyes "were closed before I sie the miserie that is "to come!" and, after these words, and some others of regret for the hardships that had come on his friend Mr. Calderwood, died.

Processes. The *Minute Book of Processes* gives the following memoranda collectively for December 1617 :— Processes.

Ryott; Thomas Falisdale against Johne Anderson.

Proces for wearing pistolletis: Advocat against Patrik Ahanney.

Rapt; Urquhart of Burrisyeardis against Dumbar of Kilboyak.

Oppression: Alexander Gordon against Patrik Hanney.

Letteris: Johnne Dickson against William Leirmonth.

Warrand for directing of letteris for payment of the Kingis taxation furth of the landis of Newbotle.

Decreta Nov. 1617–Nov. 1618. Fol. 177, a.

Sederunt—Chancellor; Treasurer; Laderdaill; Binning; Cranstoun; Carnegye; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop; Curriehill; Ridhouse; Marchinstoun; M^r^ Petir Rollok; Sir Andro Ker; Conservator. Edinburgh, 8th January 1618.

Complaint by James Arnote of Wester Grantoun, elder, merchant burgess of Edinburgh, that Sir Archibald Stirling of Keir, knight, and James Halden of Glenegeis, remain unrelaxed from hornings of 12th and 13th December last for not paying 16,162 merks of principal and 2000 merks of expenses.—Pursuer appearing by Petir Algeo, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Caption against Stirling of Keir and Haldane of Glenegies for debt to James Arnot.

Fol. 177, b. Complaint by Johnne Inglis, merchant burgess of Edinburgh, that James, Lord Coluill of Culrois, remains unrelaxed from a horning of 12th December last for not paying £1223 of principal and 200 merks of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order as above. Caption against Lord Colville of Culross for debt to John Inglis.

Fol. 178, a. Complaint by the King's Advocate that the following persons have violated the act forbidding the importing and selling of tobacco after the last day of March 1617,—viz., William Bigger, burgess of Edinburgh, William Simpsoun, burgess of Edinburgh, James Braidfute, burgess of Edinburgh, Johnne Lawsoun, Johnne Slowane, burgess of Edinburgh, David Weir, burgess of Edinburgh, Nicoll Yule, burgess of Edinburgh, Andro Sklaitter, burgess of Edinburgh, Thomas Bellindan, burgess of Edinburgh, Alexander Menteith, burgess of Edinburgh, Andro Thomesoun, burgess of Edinburgh, Robert Moffett, burgess of Edinburgh, each of whom has imported or sold 10 stone weight of tobacco, valued at 16s. the ounce.—Pursuer and defenders appearing personally, the Lords Government persecution of a number of Edinburgh burgesses for illegal import and sale of tobacco.

Fol. 178, b. assoilzie the said Alexander Menteith, Thomas Bannatyne, Robert Moffet, Andro Thomesoun, and William Simsoun, because they have denied the charge on oath. They find that the said Williame Biggar has sold 4 lbs. of tobacco at 6s. 8d. the ounce, the said Johnne Lawsoun 10 stone weight at 16s. the ounce, the said Johnne Slowane 4 lbs. at £4, 10s. the pound, the said Nicoll Yule 10 stone at 16s. the ounce, the said David Weir 10 stone at 16s. the ounce, and the said Andro Sclaiter 8 lbs. at 6s. 8d. the ounce; and they therefore order the confiscation of the prices of the said quantities of tobacco.

Communication from the Privy Council of England respecting disorders in the Middle Shires and new arrangements for the suppression of the same: with copies of the transmitted documents, and reference of them for consideration and report to the Commissioners of the Middle Shires.

"The quhilk day Thomas, Lord of Binning, President of the Counsaill, and Secretair of this kingdome, produceit unto the Lordis of Secreit Counsaill the articlis and resolutionis underwrittin of the Counsell of England for repressing of the disordouris of the Middill Shyris, togidder with the missive letter send unto him be the Kingis Majesteis directioun from Sir Thomas Laik, knight, his Majesteis Secretarie of England. Quhilkis being red and considderit be the saidis Lordis, thay thoght meete that the Commissionaris of the Middleshyris, quho wer best acquentit with the Bordour affairis, sould be advisit with the saidis articlis, and that thair opinioun sould be had to the ansueris to be returnit thairanent. The copie of quhilkis articlis wes delyverit to Williame, Lord Cranstoun, Sir Gedeone Murray, and Sir Andro Ker, Commissionaris of the saidis Middleshyris; who, being personalie present, promeist to gif thair advise and opinioun thairanent upoun the 27th day of Januair instant. Borders. Fol, 53, a.

My verie guid Lordis.—My Lordis of Counsell haveing, according to his Majesteis purpose signified when he wes at Carlisle to the gentilmen of the countrie, growne to a resolutioun for repressing the disorderis in the Middleschires, and his Majestie haveing given approbatioun to thair word, his pleasour was that, becaus the executioun thairof doth concerne the subjectis of both realmes indifferently, I sould send the forme to your Lordschippis, to the end that yow may acquent the Lordis and utheris of his Counsell thair with that which is done heir, and by your directionis the lyke course may be takin thair for government of thois Middleschyiris as is thocht fitt to be done heir, so far furth as by the lawes and customes of Scotland the same maybe put in practise thair, or els to be supplied with that which is equivalent. Your Lordschippis will perceave by perusing the wreitting that the same doth consist pairtlie in a proclamatioun to be publisched and pairtlie in certaine commissioneris [commissions] to be granted, both which ar with his Majesties learned Counsaile to frame and wilbe reddy to pas his Majesteis hand sumtyme these holydayes befoir his depairtour frome hens; and quhen the proclamatioun is sett out your Lordschippis schall have sum of thame sent unto yow. And so I rest. Fol. 53, b.

Resolutiounes in Counsell tuiching the governement of the Middle Schyires.

At the Starr Chamber the 21st of November 1617.

"Theis ar to pas by proclamatioun."

1. That the statute of 11. H. 7. cap. 9 for Tyndall and Hexamscheire be put in executioun.

2. That, forasmuch as the said statute reacheth onlie to those tua premits [?] of Tindall and Hexamschire and no further, that by his Majesteis proclamatioun the lyk proceidingis may be had with the partes Riddesdale and that pairt of Cumberland which is called Bewcastle, wherein the severall braunches of the said statute ar to be mentioned in the proclamatioun particularly.

3. That na notorious offendar be bayled or ony offendaris for stealthe of cattell or other thingis be bayled bot in open court or sessiounes; and whosoever sall bale otherwayse to be put out of the commissioun.

Borders.

4. All franchises and liberteis to be within theis orderis, and the schireffis and justices warrandis to runn in these plaices and not to be interrupted.

5. That, when pursuite is maid after a felon, the country be more reddie to assist the persute then heirtofore they have bene, upoun payne, &c.

6. That the multitud of hostler housses be suppressed, and justeices of peace restrayned frome granting lycences to any bot with the consent of the Lordis, and only to such as ar knowin unto thame to be of honest conversatioun; and these with tua sufficient suerteis to keip guid ordour and not wittinglie to lodge or interteine any leud or suspected persoun, nor to suffer any dyceinge, carding, or excessive drinking in thair housis, especiallie at unreassonable houris.

7. The lyk for maltmakeris.

8. The justiceis of peace and gentilmen of the country [not] to countenance any that have beine knowin malefactoris in former tymes, or
Fol. 54, a. ar now suspected to be offenderis, viceatoris [riceatoris?] abettoris, comealoris [concealoris?] or maynteynneris of any felons or felloneis,—a course heirtofoir too much used in these pairtes.

9. That the wyffis and children of all such personis as ar ether banisched or becum voluntarie fugitives in Ireland be sent to thair husbandis, and none of thame to returne, upoun perrell of such punischment as his Majestie sall inflict.

10. That all fugitives and outlawes be warned by proclamatioun to enter thame selffes to some justeice of peax by a certane day at thair perrill, and that for default thairof all viceators [riceatoris?] and manteynneris after of any of thame to be committed to prison, thair to remaine without bayle untill the principall be apprehendit.

11. That na beefe be brocht to be sold in any mercat without the hyde, nor any scheipe by any boucher without the skyne, hanging on the carkaise, upoun paine of forfatrie and imprissonment.

12. That whosoevir byeth ony hors, scheipe, or cattell in ony plaice bot in oppin mercat and by the toll-booke sall forfeit the guidis bocht and be imprissoned without bayle untill he produce the pairtie that sould the guidis unto him.

13. That mentioun may be maid in this proclamatioun of the commissioun which his Majestie intendeth to mak forth unto speciall commissioneris for a survey and informatioun to be takin of the most notorious leude personis and of thair faultes within Northumberland, Cumberland, &c., and that his Majesteis purpois is, upoun a certificate of the saidis commissioneris, to send the most notorious leiveris of thame unto Virginia, or to sum remote pairtes, to serve in the wearris or in colloneis.

14. That, quhairas it wes heirtofoir gevin in charge amongst uther instructiones to the Commissioneris of the Middle Schyris that they sould tak cair to forbid all persones within the boundis of thair commissioun the use of pistollis, peices, and armoris, except such as ryd or go in his

Majesteis service, and to all inhabitantes within Tyndall, Riddesdaill in Northumberland, Bewcastle, the north pairt of Gilsland, Esk and Levin in Cumberland, East and West Tiindale, Liddesdaill, Esdale, Eusdale, and Annerdale in Scotland, of all maner of waponnes and armour and of all horsis, saveing meane naiges of 40s. sterling pryce or thair abouttes (excepting noblemen and gentilmen, and thair houshald servantes, being of no brokin clannes,) and such as sall retene armes and horses as afoirsaid forbiddin ane moneth efter publict notice to thame gevin to be imprissoned for the speace of ane moneth without bayle or mainprize, and, gif thay sall efter thair enlairgment reteine still in thair possessioun such forbiddin armes and horses for the speace of ane moneth more, the persone so offending to forfeit to his Majestie the said armes and horsis and to be committed to prissoun till he enter bond to put away such armes and horsis as afoirsaid,—that the said instructioun in that poynt be now againe strenthned by his Majesteis proclamatioun. Borders. Fol. 54, b.

15. That the cheife lordis of landis and liberteis in the countreis of Cumberland and Northumberland sall tak bondis in guid sumes of thair landholderis and undertennentis that have or sall have any estate in any housis, landis, or tennentdries(?), either by admissioun, divise, or otherwayes frome thair lordis, to be ansuerable upoun any warrant to be sent frome any justeices of peace according to the tennour of the same warrand. Inrespect quhairof the saidis lordis schall enter recognizance to his Majestie in the lyk sowmes befoir tua justeices of peace of the same countreis, especiallie with conditioun that, gif such tennent or landholder flie or withdraw himselff befoir his apprehensioun or become outlaw, the pairtie greived prosecutting and indicting the partie so fled or withdrawing himselff or outlawed for any fellonie or stealth by him committed at the next quarter sessiounes and he not thair appeiring to be tryed thairupoun, the said lordis sall out of the landis, leasis, and guidis of the fugitive satisfie the pairte greved for his guidis stollin according to the value thairof, as they salbe prysed indifferentlie; or els the said cheife lordis sall gif of thair owin guidis satisfactioun to the pairtie so greived, upoun paine of forfatrie of thair said recognizance.

16. That such as commit felloneis or uther heynous offences punischable by the law in the kingdome of Scotland and flie into England salbe apprehendit and remaunded to the plaice where the fact was committed, thair to receave punischment; and so reciprocallie that the lyk be done in Scotland for such as commit the lyk offence in England and fle thither to escape punischment: for which purpois his Majestie heth directit a commissioun to speciall commissioneris of both nationis provisionally for the better performance of this service.

That all theis articles abonewrittin be declaired as his Majesteis royall pleasour in a proclamatioun, and the perrell that sall follow upoun the offenderis and the receitteris of any pairtie outlawed for ony offence and such as sall manteine any offender against these ordouris.

1. That, forasmuch as the judges come bot once a yeir into those

Borders. Middle Schyres and for tryall for lyfe and misdemennoris seldome executed, it is thairfoir thocht fitt for the better execution of justice that a commissioun of Oyes and Tehminer [Oyer and Terminer] and gaole delyverie salbe granted unto speciall commissioneris, of wich som of the Counsell of York learned in the lawis to be alwayes ane for the gaole delyverie. "Theis ar to pas by Commissioun."

Fol. 55, a. 2. This commissioun to be standing, and to be executed upoun all suddane and great occasiounes, and at leist four tymes in the yeir besydis the assizes and quarter sessiounes; at wich quarter sessiounes they ar to proceid also to tryell of ordinarie felloneis, and a declaratioun is to be maid that this commissioun schall stand notwithstanding the Commissioun of Yorke, and that to stand notwithstanding this.

3. That a commissioun be lykwayes granted by his Majestie for a survey and informatioun to be takin of the most notorious, leude, idle, and misbehaveit persones and of the faultes they ar suspected of within Northumberland and the pairtis of the Bischoprik within that countrie, and lykwayes of Bewcastle and uther ill plaices in Cumberland, that, the pairteis and thair conversatioun being knowin and certefyed to his Majestie, he may in his wisdome considder quhat cours may be held to frie the countrie of thame; and speciallie to tak notice of the persones once sent into Ireland and returned againe, and by what passe or warrand they ar returned.

4. That a commissioun be also directed to speciall commissioneris of both nationis jointley for the apprehending and remaunding of such offenderis as have committed murderis, fellonyes, ryottis, routes, and other heinous offences in either kingdome to the countrie or place where the fact [was] committed, according to the lyk commissioun heirtofoir granted by his Majestie to the same purpois, beareing date at Grenewich the first of Julij 1611; and this to be done provisionallie, notwithstanding the statute of 4 Jacobj, cap. j° or ony law or statute heirtofoir maid to the countrarie.

5. That letteris be directit frome the Boarde signifieing his Majesteis pleasour and commandement unto the Lord Precident and Counsell at York, that, for better countenance to those remoate pairtes of the Middle Schyris, they sall everie yeir keipe thair Lent sitting at Newcastell-upoun-Tyne, and that they sall tak accompt how the Kingis directiounes for those pairtes ar observeit,—as the Justeices of Assize ar lykwayse to be requyreit by letteris unto thame to do the same in thair circuitis.

6. That letteris be also writtin unto the Justeices and Commissioneris of the Middle Schyres to have strang gaoles keipit in places fitt, since the gaolles as now they ar be so weak as they gif menis for easie escapes.

Fol. 55, b. All theis particularis being put in execution, that ordour be gevin furthwith for the discharge of his Majesteis horse which he keipis in pay under a provost merschall to his greit charge, and his Majestie to be eased of that expens.

The lyk to be done in Scotland."

Report by the Bishop of Dunkeld as to contributions within his diocese for the release of captives in Algiers.

"The quhilk day, Alexander, Bischop of Dunkeld, compeirand befoir the Counsaill, and being demandit quhat he had done within his diocie anent the contributioun for releis of the prisonnaris of Algieris, declairit that he had sindrie tymes recommendit that mater to the ministrie within his diocie, and that within some presbyteyis a collectioun wes maid and in reddynes, and that within otheris presbyteryis, especialie within Athoill, the people refusit altogidder to contribute. And he tooke the first Counsaill day of Februair to mak a perfyte reporte in this mater, and to caus the moneyis collectit to be broght in and deliverit to the Clerk of Counsaill." Sederunts. Fol. 19, a.

Charge to the Provost and Bailies of Annan.

"That chargeis be direct aganis the provest and baillies of Annand and Selkirk for thair compeirance befoir the Counsell upoun the 27th of Januair instant to ansuer upoun the eschaip of some prisonnaris committit to thair chairge."

The Middle Shires.

"The Lordis assignis unto thame [*i.e.*, the Commissionairis of the Middle Shyris] the said 27th day of Januair instant to gif thair advise and opinioun anent the mater of assisoris within the boundis of thair office."

Weights and measures.

"The Lordis continewis the commissionaris anent the weyghtis and measouris to Twisday nixt."

Edinburgh, 13th January 1618.

Sederunt—Chancellor; Bishop of Glasgow; Bishop of Ross; Tullibardin; Viscount of Lawdirdaill; Binning; Carnegye; Lord Erskine; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Ridhouse; Marchinstoun; Curriehill; M^r^ Petir Rollok; Sir Andro Ker; Conservator. Decreta Nov. 1617–Nov. 1618. Fol. 179, a.

Caption against Jardine of Applegirth for debt to Andrew Stirling.

Complaint by Andro Stirling, merchant burgess of Edinburgh, that Johnne Jerdane of Apilgirth remains unrelaxed from a horning of 15th December 1617 for not paying 600 merks of principal and £100 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against the same for debt to Alexander Noble.

Complaint by Alexander Noble, merchant burgess of Edinburgh, that Johnne Jerdane of Apilgirth remains unrelaxed from a horning of 14th February 1614 for not paying £109 of principal and £20 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order as above. Fol. 179, b.

Order to Harry Duncan, prisoner in the Tolbooth of Edinburgh.

Complaint by Harie Duncane, as follows:—He has been detained in the Tolbooth of Edinburgh for a long time for committing "some pointis of oppressioun" upon M^r^ Petir Kennevie of . He has undergone sufficient punishment, having bene "first keipit fast in the irnis within the said waird a lang space," and after that "in cloise waird within the Irnehouse of the said Tolbuith, without ony coill or candle licht." He cannot find caution for pursuer's indemnity, but he is willing to give his band.—Pursuer and defender appearing, the Fol. 180, a.

Decreta Nov. 1617–Nov. 1618. Lords order defender to find caution in 1000 merks for pursuer's indemnity before he be put to liberty.

Sederunts. Fol. 19, b.

"Missives to Striviling, Lynlythqw, and Lanerik to be heir upoun Mononday nixt; and Striviling to bring with thame the stoup, Lynlythqw the firlott, and Lanerik the weyghtis." Burghs of Stirling, Linlithgow, and Lanark.

"The quhilk day the Archiebishop of Glasgow promeist to delyver the contributioun quhilk he hes ressavit fra the ministeris within his diocie for the prisonnaris of Algieris to the Clerk of Counsaill anes (?) this weeke." Archbishop of Glasgow and the Algiers captives.

"A missive to the Lord Gordoun to understand quhat he hes done in the commissioun grantit to him aganis M^cRonnald." Missive to Lord Gordon.

"The Lordis nominatis the Laird of Bogye convenair of the commissionaris for the weightis and measouris." Weights and measures.

Decreta Nov. 1617–Nov. 1618. Fol. 180, b.

Sederunt—Chancellor; Bishop of Sanctandrois; Bishop of Glasgow; Bishop of Ros; Tullibardin; Ladirdaill; Cranstoun; Binning; Carnegy; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Kilsyth; Bruntiland; Ridhouse; Medop; Curriehill; Advocate; Marchinstoun; M^r Petir Rollok; Sir Andro Ker; Conservator. Edinburgh, 15th January 1618.

Complaint by M^r William Hammiltoun, "minister, persone, and vicair lauchfullie providit to the personages and viccarageis of the parroche kirkis and parrochynis of Mekle Datoun and Litle Datoun and Mowswall," that Thomas Wichtman in Smailholme, Johnne Nicolsoun there, James Wichtman there, Johnne Wricht there, James Rea in Bus, Johnne Nicolsoun there, Malie Wichtman in Smailholme, and Johnne Wricht there, remain unrelaxed from a horning of 26th August last, for "not restoreing and delivering agane to the said complenair all and sindrie the teynd schavis and utheris teyndis, both personage and viccarage, of the landis of Wodlandis" of the crops of 1611 and 1612, or the prices of the same; also that James Wichtman in Smailholme, Thomas Wichtman there, William Wichtman there, Malie Wichtman there, Johnne Wichtman there, James Wichtman there, Johnne Wicht there, James Nicolsoun there, William Nicolsoun there, Johnne Nicolsoun there, and James Rea in Bus remain unrelaxed from a horning of same date for not paying "the particular stockit teynd dewtie of the severall landis occupyit be thame" for the said years, together with 13s. 4d. each for expenses.—Pursuer appearing personally, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Captions against a number of persons for debt to Mr. William Hamilton, minister of the parishes of Meikle Datoun, Little Datoun, and Mouswald.

Fol. 181, a

Complaint by Alexander Wylie, servitor to James Prymrois, Clerk of the Privy Council, that M^r Alexander Eleis, merchant burgess of Edinburgh, remains unrelaxed from a horning of 8th January instant for not paying 300 merks of principal and £40 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order as above. Caption against Mr. Alexander Ellis for debt to Alexander Wylie.

Fol. 181, b.

Suspension of horning against John Little, charged with intercommunion with the late Mr. Gilbert Brown.

Complaint by Johnne Litle, servant of Robert Maxwell of Carlaverok, that he has been put to the horn wrongously, at the instance of the King's Advocate, for not appearing to answer to the charge of having intercommuned with the late Mr Gilbert Broun, "ane excommunicat trafficquing Papist" (see *ante*, vol. viii. of Index). He was not lawfully summoned, else he would have appeared, and purged himself; and he had found caution in 300 merks to appear this day.—Pursuer and the King's Advocate both appearing, the Lords suspend the said process. Decreta Nov. 1617-Nov. 1618. Fol. 181, b. Fol. 182, a.

Complaint by Thomas Crombie, Writer to the Signet, against Thomas Davidson, notary in Old Aberdeen, for an assault upon him in September last when he was riding to Aberdeen on official business in company with the Marquis of Huntly and others.

Complaint by Thomas Crombye, one of the ordinary writers to the signet, as follows:—On 29th September last, while pursuer was riding to the burgh of Abirdene "amongis sindrie utheris personis in company with George, Marques of Huntlie, schireff principall of the schirefdome of Abirdene, who wer going thair to hald ane heid courte," and was "in discourse and conference be the way with some of the justiceis of peace of the said schirefdome, especiallie with Mr Johnne Cheyne of Pitfechie, thair convenair," Thomas Davidsoun, notary in Auld Abirden, "with whome the said complenair stood in verie good termes of freindship and familiaritie, and quho evir did profes all outward schawis of love and kyndnes," came up to him, and without any warning struck him on the head with a baton "quhilk he had prepairit and maid for the purpoise," and seriously wounded him. Whereupon the Laird of Pitfechie, "taking verie just caus of offence for that the said Thomas durst presome in his sicht and presence, being ane justice of peace, and in the company of the said Marques of Huntlie, being the chief and principall officer of the cuntrey," to commit such an assault, ordered his servants to apprehend him. "Bot he be speid of his horsse, and be supplie of divers personis who tooke his defence, raid away and eschaiped. And, efter thair comeing to the burgh of Abirdene, informatioun being maid to the said Marques of the foirsaid insolence and injurie done and commitit in his company, he causit inquire and searche be maid for the said Thomas, and, but ony complaint maid or gevin in be the said complener, bot onlie for the said Marques awne satisfactioun for the wrong done in his company, causit committ the said Thomas Davidsoun to waird within the tolbuith of the burgh of Abirdene, quhair he remanit some certane space. During the quhilk space of his remaning in waird he directit and send to the said complenair sindrie offeris of satisfactioun and willinglie gaif his band for performance thairof. Bot, howsoone he wes put to libertie, he nevir sensyne acknowledgeit the said complenair or performit ony point of the offeris and conditionis maid be him, bot rather in forder disdane and contempt he vantis of the insolence and indignitie foirsaid commitit be him aganis the said complenair, sua that now the said complenair is constranit to have his recourse to the Lordis of Secrite Counsaill and to seik redres and satisfactioun for the said wrong, to whome the said complenair still reservit this his greif and complaint; for, gif the said complenair, who is the saidis Lordis servand and ane of the memberis of the Colledge of Justice, may not in suirtie travell throw the cuntrey in Fol. 182, b.

Decreta Nov. 1617–Nov. 1618. Fol. 183, a.

tyme of vacance to gif accompt to sic personis as imployis him of the proceiding of thair adois in tyme of sessioun, the saidis Lordis may considder how fer thay wilbe disapointit of the trew informatioun of the estate of thair adois, and quhat disgrace it salbe to his Majesteis Senat quhen the memberis servandis and officeris thairof are so disgracefullie usit in thair progres throw the cuntrey."—Pursuer and defender appearing personally, the Lords, "inrespect of the notorietie of the offence and insolence," which defender could not deny, order defender to be detained in the Tolbooth of Edinburgh at his own expense during their Lordships' pleasure.

Sederunt—Chancellor; Treasurer; Bishop of St. Androis; Bishop of Glasgow; Bishop of Ros; Abircorne; Lotheane; Tullibardin; Roxburgh; Viscount of Laderdaill, Binning; Carnegye; Lord Erskine; Lord Flemyng; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop; Ridhouse; Curriehill; Marchinstoun; Mr Petir Rollok; Sir Andro Ker; Conservator. Edinburgh, 20th January 1618.

Caption against Matthew Baillie of Littlegill for debt to Adam Bothwell.

Complaint by Adame Bothuill, indweller in the Cannogait, that Mathew Baillie of Litlegill remains unrelaxed from a horning of 12th September last for not paying 3000 merks of principal and 10 per cent. of annual-rent, together with £300 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 183, b.

Caption against Andrew Ogilvy of Collow and James Ogilvy of Clova for debt to Alexander Mowatt.

Complaint by Alexander Mowatt, writer, that Andro Ogiluy of Collow, as principal, and James Ogiluy of Clova, as cautioner, remain unrelaxed from a horning of 26th August last for not paying 500 merks with the aunnalrent thereof since Whitsunday 1615, and "for not warranding the dischairge grantit be Anna Auchinlek, and the said Andro, as spous to hir," anent his intromission with the corn and "guidis" upon the lands of Harviestoun.—Pursuers appearing by Archibald Ros, and defenders not appearing, the Lords give order as above. Fol. 184, a.

Giles Merser against the Magistrates of Perth for illegal arrest.

Complaint by Geallis Merser, "servitrice" to Andro Low, merchant burgess of Perth, and the said Andro, for his interest, that, on January instant, Chairlis Rollok, one of the bailies of the burgh of Perth, arrested the said Giles and committed her to the tolbooth without decreet or sentence. The bailies refuse to give pursuer her liberty.—Pursuers appearing by Waltir Hay, and Charlis Rollok and Andro Conquerour, bailies of Perth, also appearing, the latter declare that at the instance of the said Giles they had distrained the goods belonging to the late Gabriell Merser, burgess of Perth, for a debt due to her, but that, when they had executed the charge and delivered the goods, pursuer refused to give her acquittance; whereupon they had committed her to ward. The Lords find that pursuer was lawfully apprehended; but order her Fol. 184, b. Fol. 185, a.

release as soon as she gives the acquittance and pays 10 merks to the bailies, for having "compellit thame to mak unnecessar travell and expensis." Decreta Nov. 1617–Nov. 1618.

Edinburgh, 22nd January 1618.

Sederunt—Chancellor; Treasurer; Bishop of St. Androis; Bishop of Glasgu; Bishop of Ros; Lynlithqw; Wyntoun; Abircorne; Lotheane; Tullibairdin; Roxburgh; Viscount of Lauderdaill; Scoone; Cranstoun; Binning; Carnegye; Lord Erskene; Lord Fleming; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsaythe; Bruntyland; Ridhous; Medop; Curriehill; Marchinstoun; M^r^ P. Rollok; Sir Andro Ker; Conservator. Acta Sept. 1617–July 1620. Fol. 130, a.

Proclamation for the observation throughout the realm, by his Majesty's direct command, of the five holidays of Christmas, Good Friday, Easter, Ascension Day, and Whitsunday.

"Forsamekle as it is the dewtie of all goode Christianis to keepe in perpetuall rememberance the grite and inestimable benefeitis quhilkis it hes pleasit the Almightie God, in his deir sone Jesus Christ and in his exceiding grite love towardis mankynd, to bestow upoun thame, and in a reverent communicatioun thairof to observe and spend some certane dayis in devotioun and godlie exercises, quhairthrou the dew respect and thankfull rememberance of these so grite benefeitis be never sufferit to pas in oblivioun; and the Kingis Majestie acknowledgeing the innumerable favouris and blissingis quhairwith it hes pleasit the divyne Majestie of God to blesse his Heighnes fra tyme to tyme: Thairfoir his Majestie, oute of his trew respect to the honnour of God, and to haif him honnourit be all his people, hes thoght meete and expedient, and be thir presentis commandis and ordanis, that, according to the example of the Kirk quhen the same wes in gritest puritie and most free of corruptioun and errour, thair salbe ane universall cessatioun and abstinence throughoute this haill kingdome frome all kynd of husbandrie and handie labour upoun the holie dayis following,—to witt, upoun Christmas Day, quhilk wes the day of the birthe of Christ, upoun Goode Fryday, quhilk wes the day of his Passioun, upoun Easter or Pashe Day, quhilk wes the day of his Resurrectioun, and upoun the Day of Ascensioun, and upoun Witsonday,—to the effect his Majesteis subjectis may the better attend the holie exercises quhilkis his Majestie with advise of the faderis of the Kirk will appoint to be keept at these tymes in the Kirk. And, for this effect, his Majestie, with advise of the Lordis of his Secreit Counsell, ordanis letteris to be direct chargeing all his Majesteis liegeis, alsueele to burgh as to land, be oppin proclamatioun at the mercat croceis of the heade burrowis of this kingdome and otheris placeis neidfull, that thay Fol. 130, b. and everie one of thame absteane frome all kynd of husbandrie and handie labour on the saidis holie dayis of Christmas, the Passioun Day, Pashe Day, the Ascensioun Day, and Witsonday, to the effect that thay may the better attend the holie exerciseis quhilkis salbe appointit to be keept these dayis, as said is; certifeing all and sindrie personis that sall contravene and do in the contrair heirof that thay salbe punist

Acta Sept. 1617–July 1620.

with all rigour as rebellious and dissobedient personis, contempnaris of his Majestie and his auctoritie."—Then follows a royal letter, dated at Newmercat, 14th January 1618, ordering the Council to frame an act as above. As all its details, and even its phraseology, have been reproduced in the above act, it is not printed here.[1]

Decreta Nov. 1617–Nov. 1618.

[Sederunt as recorded above.]

Edinburgh, 22nd January 1618.

Fol. 185, a.

Caption against William Borthwick, for assault on his father-in-law, Charles Cairncross.

Complaint by Chairlis Cairnecorse of Birksneip that Williame Borthuik in Waldirstoun, his son-in-law, remains unrelaxed from hornings of 22nd and 23rd October last for not appearing before the Council to answer the

Fol. 185, b.

charge of assault upon him with a drawn sword.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Agnes Renton

Complaint by Agnes Rentoun, spouse of George Hill, younger, in

[1] Calderwood (vii. 290–1) gives a copy of this Proclamation as published at the Market Cross of Edinburgh on the 28th of January. He notes that the King had stretched his prerogative in issuing such an order by his own authority, "notwithstanding that the "Generall Assemblie had not as yit con-"sented, and Acts of Parliament made "against Easter and Christmas were stand-"ing yit unrepealed." The explanation, however, is that the King had been so greatly disgusted by the hesitation of the late General Assembly to pass the Five New Ecclesiastical Articles on which he had set his heart, and by the anxiety of the bulk of the Clergy, the Bishops included, to stave off the consideration of these Five Articles as long as possible (*ante*, p. 271 and p. 280, footnotes), that he had resolved to make a beginning himself by that method of resort to his own prerogative which he had all along warned the Clergy he had in reserve, and had chosen to make the beginning by this edict enforcing that one of the Five Articles which related to Festival Days. Calderwood specially mentions that through this month of January 1618 Scotland was filled with rumours as to the King's anger over the delay of the Five Articles, and as to the threatening letters he was sending to the Bishops in consequence. He was reported to have written as follows:—"He will let the "Kirk of Scotland know what it was to have "adoe with an old King or to abuse his "lenitie,—that he wold have noe conventions "of ministers to treate in times coming of "maters of the Kirk, but onlie the Bishops "and such of the ministrie as they sall thinke "meete to assume to themselfs"; and it was] said that a warrant had been sent down to "discharge" all presbyterial meetings and meetings of kirk-sessions as "mutinous con-"ventions." The substance of these messages, Calderwood adds, was conveyed by Archbishop Spotswood to an informal gathering of the Clergy in Edinburgh round the Archbishop; in which there was read the particular letter from the King "wherein he "manifested his will and pleasure that the "ministers of Edinburgh in special, and the "Bishops themselfs, and suche others of the "ministrie as might be had for the present "to convene with them, sould approve the "Five Articles, and, if they testified not "their consent in writt, that the Bishops "suspend them from their ministrie and their "stipend." The answer from the assembled clergy, as Calderwood reports it, was that, "in "respect the mater was of great importance, "and the maner of the proceeding somewhat "suddane and violent, it behooved them to "be advised with the whole brethren of the "ministrie, and they sould doe what in them "lay to give his Majestie satisfaction." Calderwood's own interpretation of the facts is that Spotswood and the King were working into each other's hands, and that it was by Spotswood's advice that the King had adopted the policy of threatening. When the clergy found that, if they did not let the Five Articles pass, they would themselves lose their charges and their stipends, and there would besides be entire abolition not only of General Assemblies but of all other kinds of clerical meetings for the future, would they not make up their minds to the first alternative as the lesser evil?

against Francis Melville and others for alleged assault.

Northfeild, and her said husband, as follows:—On 22nd February last, the said Agnes, who was "auchtene oulkis gone with chylde," was accosted on the lands of Northfeild by Aliesoun Kadie, relict of Johnne Purves in Coldinghame, Issobell Purves, her daughter-in-law, George Purves and Patrik Hopper, her servants, and Frances Melvill in Coldinghame, and was assaulted by them. They "raschet hir violentlie to the ground," and so misused her that "scho wes immediatlie thairefter deliverit of ane deid bairne."—Pursuers appearing personally, and the defenders who were summoned, viz. Frances Melvill, George Purves, Patrik Hopper, and Issobell Purves, also appearing, the Lords assoilzie defenders, because pursuers have failed to prove their charge. Decreta Nov. 1617–Nov. 1618. Fol. 186, a.

Duncan Forbes and his wife against Duncan M^cIntosh for assault in Inverness.

Complaint by Jonett Forbes, spouse of Duncane Forbes, burgess of Innernes, and her said husband, as follows:—On 12th November last, the said Jonett, having met Duncane M^cIntosche in Over Ardoure within the burgh of Innernes, asked for payment of a sum of money due by him to her husband. Whereupon defender assaulted her upon the High Street, gave her some blows, "kaist hir doun in ane gitter, and trampit on hir with his feit." Thereafter, defender with some accomplices went up and down the streets of the burgh in an insolent manner, endeavouring to provoke the said Duncane Forbes to go forth to them.—The said Duncane Forbes appearing for himself and his wife, and defender not appearing, the Lords find the charge proven, and order defender to enter his person within the Tolbooth of Edinburgh, to remain there at his own expense during their Lordships' pleasure. Fol. 186, b.

Bishop of Ross and the Algiers contribution.

"The quhilk day the Bischop of Ros tooke the first Counsaill day of Februair to reporte his diligence anent the contributioun for releif of the prisonnaris of Algieris." Sederunts. Fol. 20, a.

Edinburgh, 27th January 1618.

Sederunt—Chancellor; Treasurer; Bishop of Glasgow; Bishop of Ros; Lynlithqw; Lotheane; Tullibardin; Roxburgh; Viscount of Laderdaill; Scone; Cranstoun; Binning; Carnegye; Lord Erskine; Lord Flemying; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Ridhouse; Medop; Curriehill; Marchinstoun; M^r Petir Rollok; Sir Andro Ker; Conservator. Decreta Nov. 1617–Nov. 1618. Fol. 187, a.

Suspension of horning against Thomas Methven for having challenged Mr. John Drummond.

Complaint by Thomas Methven in Leitchill that he has been put to the horn wrongously at the instance of M^r Johnne Drummond of Leitchhill for not appearing to answer the charge of having provoked the said M^r Johnne to the combat. Pursuer had found caution in 500 merks to appear this day.—Pursuer appearing personally, and defender not appearing, the Lords suspend the said process.

Order for the liberation of Thomas Davidson, prisoner in the Tolbooth of

Complaint by Thomas Davidsoun, notary public in Auld Abirdene, now in the Tolbooth for assault on Thomas Crombye, writer (*ante*, p. 294). He is very sorry, and desires to give full satisfaction for his offence. He has sent M^r William Davidsoun to Crombye to inform him that Fol. 187, b.

Decreta Nov. 1617–Nov. 1618.

"he is reddy to do to him sic homage as he sall pleis require, and, in speciall, that the said supplicant sall sit doun upoun his bair kneis at the Mercat Croce of Edinburgh, or within the kirk of Edinburgh, or ony uther place the said Thomas pleis designe, and thair ask him forgivnes for his said offence" and to promise to find surety for his good behaviour. The said Thomas Crombye refuses to accept this proposal, and adheres to their Lordships' judgment.—Pursuer and defender appearing personally, the Lords order defender "to acknawledge his offence done to the said Thomas Cromby publictlie at the Mercat Croce of Edinburgh, or at the Mercat Croce of Abirdene, as best sall pleis the said Thomas Crombye, and thair to sitt doun upoun his baire kneis, and to ask him forgifnes, and to promeis upoun his conscience that he sall nevir attempt ony thing be worde, write, or deid to the said Thomas Crombye his prejudice heirefter, and that he mak this assythment and satisfactioun to the said Thomas Crombye, whenevir he salbe lauchfullie requirit be the said Thomas to do the same." Defender is to find caution in 500 merks to keep the peace; and the magistrates of Edinburgh are ordered to release him when he has found the same.

Fol. 188, a.

Edinburgh for assault on Thomas Crombie, on condition of his public penance for his offence at the Market Cross of Edinburgh or the Market Cross of Aberdeen.

Complaint by Elspeth Lumisdane, indweller in Anstruther, and Issobell Lumesdane, her daughter, as follows:—On the night of November last, Patrik Lumesdane in Anstruther went to pursuers' house, entered violently, and, after uttering threats, assaulted them with a drawn dagger. He wounded the said Elspet in the hand and leg and her daughter in the hand. Pursuers would have been murdered, but for the relief of the neighbours who answered their "pitious clamouris." Not content with this outrage, defender put pursuers furth of their house, and took away the whole "insicht," which he still keeps. Pursuers have since then been debarred from entering their house for fear of their lives. —Pursuer appearing personally, and defender not appearing, the Lords order defender to be denounced rebel.

Fol. 188, b.

Complaint by Elspeth Lumsden and her daughter, dwelling in Anstruther, against Patrick Lumsden there for assault and oppression.

James Douglas and Alexander Scott, "commoun and notorious thevis and lymmairis," having been delivered by the Commissioners of the Middle Shires to William Scot of and Robert Scot, bailies of Selkirk for the time, for detention in the tolbooth of that burgh, the said magistrates had suffered them to escape.—The King's Advocate, Lord Cranstoun, and Sir Gedeone Murray of Elibank, two of the Commissioners of the Middle Shires, and Sir Andro Ker of Oxnehame, knight, Captain of the Border Garrison, being present, and James Wauch and Robert Scot, late bailies of Selkirk, and the said William Scot and James Kene, bailies of that burgh, being present, it is declared by the defenders that the prisoners escaped from ward without their connivance and that they have used all diligence for their arrest. The Lords, however, find that this excuse is not sufficient, "seeing, the burgh of Selkirk being ane of his Majesteis frie burrowis, the same sould be providit with ane sufficient jayle and wairdhouse for keiping of all malefactouris and prisonnaris committit thairin." They therefore hold defenders answerable for the exhibition

Fol. 189, a.

Commissioners of the Middle Shires against the magistrates of Selkirk for allowing the escape of two Border criminals from the tolbooth of their burgh.

of the fugitives, and fix the last Council day of June next for their production. The Lords give full power and commission to the said magistrates for the capture of the thieves. Decreta Nov. 1617-Nov. 1618.

Similar charge against the magistrates of Annand.

Similar charge against the magistrates of Annand anent the escape of Waltir Murray called "of Belriddane," a common thief.—The foresaid pursuers being present, and Robert Johnnstoun of Brounhillis, late provost, Johnne Johnnstoun and Johnne Rae, late bailies, of Annand, and Robert Johnnstoun, tutor of Johnestoun, now provost, and Jeffray Irwing and Thomas Wilkeine, now bailies, of that burgh, being also present, the Lords give order as above. Fol. 190, a.

Border affairs.

"A missive anent the Bordour affairis delyverit to the Commissionaris." Sederunts. Fol. 20, a.

Edinburgh, 29th January 1618.

Sederunt—Chancellor; Bishop of Glasgow; Bishop of Ros; Linlithqw; Abircorne; Viscount of Lauderdaill; Binning; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Brunt iland; Marchinstoun; Sir Andro Ker. Decreta Nov. 1617-Nov. 1618. Fol. 190, a.

Caption against James Bryce, at the horn for alleged murder of Patrick Dun in 1602.

Complaint by Johnne Dun in Duntreath, as son, with remaining children and kin, of the late Patrik Dun, that James Bryce, sometime servitor to Robert McCapie in Duntreath, remains unrelaxed from a horning of 21st September 1602 for not finding caution for his appearance before the Justice to answer the charge of having murdered the said Patrik.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 190, b.

Desertion of charge of house-breaking and violence against John Mitchell.

This day Johnne Mitchell in Kirkland appeared personally in answer to the summons anent the charge by Williame Johnnstoun in Newmylnes of his going to the said William's barn of Stanygait, "breking up the durris of the said barne, dinging burdis furth thairof, leddering the wall of the barne, breking the samyn at the gabill, and taking furth thairof certane nolt and bestiall quhilk the said William had lauchfullie pyndit for the hurte and skaith sustenit be him in distroying of his cornis." The said pursuer not appearing, the Lords admit defender's protest that "he sould not be haldin to ansuer forder" by virtue of the said letters.

William Porteous, keeper of the outer gate of Holyrood-house, against John Carmichael for assault.

Complaint by Williame Porteous in Edinburgh, "keepair of the utter yet of his Majesteis Palice of Halyruidhouse for the tyme," as follows:— On last pursuer, while "sitting at the said utter yet for halding out all idill people that preassit in thairat, to the effect the workmen within the same sould not be hinderit be thame," was assaulted by Robert Carmichaell, son of Johnne Carmichaell, tailor, burgess of Edinburgh, and some accomplices, because he refused them admittance. "One of his legis being within the yett and the uther being without, thay verie violentlie raschet to the yet upoun his leg, and brak the same in peeceis, and schamefullie and unhonnestlie strak and dang him."—Pursuer and defender appearing personally, the Lords assoilzie defender, because defender and witnesses have sworn that the charge is not true. Fol. 191, a.

Decreta Nov. 1617-Nov. 1618. Fol. 191, b.

Complaint by George Ballantyne, brother of Mr James Ballantyne of Newtyle, and one of the commissaries of Edinburgh, as follows:—On 12th November last, while he was in the house of Robert Burrell in the burgh of Perth, Johnne Moncreif, sometime of Barnehill, entered, and, without any cause, "he being alwyse unknawne to the said complenair," upbraided him, and thereafter "kaist a cope full of aill in his face." Pursuer, "being than haldin fast," was attacked by him with a drawn sword and wounded in the head.—Pursuer appearing personally, and defender, and Alexander Rae, merchant burgess of Perth, and Johnne Hendirsoun, son and heir of Andro Hendirsoun of Lawtoun, who had been summoned as witnesses, not appearing, the Lords order the said persons, defender and witnesses, to be denounced rebels.

George Bannatyne against John Moncreiff and others for assault in Perth.

Sederunts. Fol. 20, b.

"The quhilk day Adam Montgomerie, burgess of Edinburgh, submittit him to the delyverance of the Lordis of Secreit Counsell anent the questiones betuix him and Andro Hendersone [*ante*, p. 202], and tooke burdyne on him in that submissioun for his bairnis."

Adam Montgomery and Andrew Henderson.

Decreta Nov. 1617-Nov. 1618. Fol. 192, a.

Sederunt—Chancellor; Treasurer; Roxburgh; Bishop of Ros; Viscount of Lawder; Binning; Carnegye; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop; Marchinstoun; Sir Andro Ker; Conservator.

Edinburgh, 3rd February 1618.

Complaint by Sir James Lundy, knight, that James Crawfurd, brother of Robert Craufurde of , remains unrelaxed from a horning of 9th July last for not building a horse-mill for drawing water from pursuer's "coilheuchis at the sea syde bewest the burgh of Drummoquhy," for "not furnissing of the haill materiallis of tymmer and irne thairto, with fourtie bucketis weill dressit and wrocht in all thingis necessar for drawing of watter," and for not making "the saidis coilheuchis dry and emptie of watter for ganging worke, weill furnist in all thingis pertening thairto, [and] reddie for imputing of horse thairintill"; together with 500 merks of expenses.—Pursuer appearing by Anthone Quhyte, writer, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against James Crawford for non-fulfilment of certain obligations to Sir James Lundie.

Complaint by Williame Archibald, procurator for Barnard Wassell, prior of the convent of Wayneis "of the ordour of the Chairterhouse" near Paris, "as he quha hes the directioun, handling, and administratioun of the guidis and rentis pertening to the poore scolleris of the Scottis natioun left to thame in legacie be umquhill James Beatoun, Archibischop of Glasgow," that Sir Harie Lindsay of Kinfawnis remains unrelaxed from a horning of 20th December last for not paying the sum of 3000 merks.—Pursuer appearing personally, and defender not appearing, the Lords give order as above.

Caption against Sir Harry Lindsay of Kinfauns for debt to the funds left by Archbishop Beaton for the benefit of poor scholars of the Scottish Nation in Paris.

Fol. 193, a.

Complaint by the King's Advocate, Helene McGill, relict, David, Johnne,

The relict and

bairns of John Ker against the Laird of Glenbervie and the sheriff-depute of Kincardine for sheltering William and Robert Brebner, accused of the murder of the said John.

Robert, Andro, and Archibald Ker, sons, Margaret Ker, daughter, and remaining kin, of the late Johnne Ker in Hiltoun, as follows:—On 14th January instant, William Brabner, merchant in Fettircairne, Robert Brabner, his son, and some accomplices, all armed, lay in wait for the said Johnne Ker beside Cuterlyne, and there murdered him. Thereafter, the said William fled "with the bloody hand" to Sir Robert Douglas of Glenbervie, in whose keeping he still remains. The said Robert was apprehended and delivered to Mr Williame Reid, sheriff-depute of Kincairdin, who, as pursuers are informed, presented him to the said laird. Both persons should be exhibited before the Lords, in order that justice may be administered.—The King's Advocate appearing personally, and Mr William Davidsoun appearing for the other pursuers, and the said laird and sheriff-depute appearing by Roger Mowat, the Lords order the said Sir Robert Douglas to deliver the said Williame Braibner to such of the Guard as shall be sent north; and they order the said Mr Williame Rid to exhibit the said Robert before them on next, under pain of horning. Decreta Nov. 1617–Nov. 1618. Fol. 193, b.

Commission to the Earl of Lothian and Sir John Hamilton of Preston for the trial of John Hunter and Thomas Hall for theft.

Commission under the Signet, signed by the Chancellor, Mar, Roxburgh, Binning, George Hay, and Kilsythe, is given to Robert, Earl of Lotheane, and Sir Johnne Hammiltoun of Prestoun, to try Johnne Hunter, smith in Prestoun Panes, now in the custody of the latter for theft of "certane plew yrnis" from some of his fellow parishioners. Prisoner has confessed his crime, and has admitted that "the haill plew yrnis and pleuchgraith that hes bene missing in the parrochynis of Prestoun, Tranent, Wyntoun, and otheris pairtis thairabout thir thrie or foure yeiris bigane hes bene stollin be him." Commission is also given to the same to try Thome Hall in Prestoun Panes, who was apprehended in January last with two stolen sheep and delivered by the Earl of Wyntoun's servants to the constables of Prestoun. Commissions. Fol. 43, a.

Edinburgh, 5th February 1618.

Sederunt—Chancellor; Treasurer; Bishop of St. Androis; Bishop of Glasgow; Bishop of Ros; Abircorne; Lotheane; Viscount of Lauder; Binning; Carnegye; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Ridhouse; Medop; Curriehill; Marchinstoun; Sir Andro Ker; Mr Petir Rollok; Conservator. Decreta Nov. 1617–Nov. 1618. Fol. 193, b.

John Mac-Robin, stabler in Stirling, against James Leckie for assault.

Complaint by Johnne McRobene, "stabuler" in the burgh of Striveling, as follows:—James Leckie, son of the late Alexander Leckie in , went on 9th September last to pursuer's dwelling house in Striveling where he was standing at the door, and not only took him "be the coat and body and rasched his head to the stones of his said dure," but "caist the said complenair doun upoun the ground and brak ane of his leggis in peceis, quhairby the said complenair hes continewalie sensyne lyne bedfast in grite doloure and pane undir the care of the chirurgianes, to his grite chairges and expensis, besyde the losse of his tyme."—Pursuer Fol. 194, a.

Decreta Nov. 1617–Nov. 1618. appearing personally, and defender not appearing, the Lords order defender to be denounced rebel.

Thomas Grant of Cardails and his son against the sheriff of Moray and his deputes for not doing the duty of their offices against Thomas Grant in Daltaleis, charged with assault on the principal pursuer and with the murder of his son Patrick: defenders assoilzed.

Complaint by Thomas Grant of Cardaillis, Johnne Grant, his son, and the King's Advocate, as follows:—On 11th November last the said laird and Fol. 194, b. his late son Patrik were set upon within the burgh of Elgin by Thomas Grant in Daltaleis and armed accomplices. The said Thomas was struck "throw the craig with a rapper" and was so wounded that "nothing bot death is expectit." Defender also "ran the said umquhill Patrik throw the bellie with his rapper." After the murder he was arrested by the sheriff-depute of Elgin,—"the said schireff-principall being within the said burgh for the tyme,"—and was committed to the tolbooth, where he still remains. Pursuer and his friends dealt with Johnne Dumbar of Westfeild, sheriff of Murray, to minister justice in this case; but the said sheriff excused himself "as not being able to sit in judgement, inrespect of divers horningis quhilkis he undirlay,—ane exceptioun proponit and alledgeit be him selff to convince him of ane unexcusable wrong and neglect of dewtie by his refusaill and denyall of justice unto the saidis complenairis, and to argue aganis him his incapabilitie and unworthienes of that chairge and office quhilk he haldis of his Majestie." Pursuers thereupon addressed themselves to the deputes,—viz., Williame Torrie, burgess of Elgin, and Chairlis Reid, burgess of Forres. "Thay conferring and adviseing thairupoun with the principall schireff, it wes aggreit amongis thame that, for eschewing of ane publict and manifest imputatioun of refusall of judgement, thay sould fense ane courte, entir the criminall upoun pannell, and seame willing to do justice, and that notwithstanding thay sould admit ony kynd of declinatoure that sould be proponit aganis thame. Quhilk wes accordinglie done, insofer as, the courte being fensit and the pairteis in judgement, it wes objectit aganis William Torrie that he stood within feird and fourtis of kin to the persewair. Whairupoun he removit him selff, althocht he wes within a degrie narrer of kin to the pannell, and in all dewteis of love, kyndnes, Fol. 195, a. and freindschip wes more addictit to the pannell nor to the persewair. And, it being objectit aganis the other depute that he wes not lauchfullie electit, chosin, and sworne to that office, he thairupoun declynit him self, althocht in his awne conscience he knew his admissioun in all circumstanceis to be lauchfull and formall." Defenders have therefore incurred the penalties of an Act of Parliament.—Pursuers appearing personally, and having passed from "that pointe of this summondis *pro loco et tempore* tuitcheing the decerning of the said schireff and his said depute to tyne thair officeis," and insisted only on the exhibition of Thomas Fol. 195, b. Grant, and the said Johnne Dumbar appearing for himself and his said depute and exhibiting the said Thomas, the pursuers crave that, "seing the said Thomas Grant wes tane *flagranti crimine* and reid hand" and that February instant was fixed for his trial before the Justice, he ought to be committed to the Tolbooth of Edinburgh in the meantime. The said Thomas answers that he ought not to be detained, because he

had found caution for his appearance, and because, "being undir band and promeis to the said schireff to entir him for his releif quhenevir he sould be chairget for him, he freelie and willinglie enterit him self to the said schireff how soone he undirstood that the said schireff wes burdynit to exhibite him, and that he is come heir of his awne accord with the said schireff to present him self to his tryall." The Lords find that the said Thomas ought not to be detained, because he has not only found the said former caution, but also by their direction new caution in 2000 merks. They also find that the sheriff has satisfied the charge anent the exhibition of the said Thomas, and accordingly exoner him by these presents. Decreta Nov. 1617–Nov. 1618.

William Hay of Mayne and others against Grant of Ballindallach and a number of others for illegal convocation in arms, riot, and assault in Elgin.

Complaint by the King's Advocate, William Hay of Mayne, Jeane Grant, his spouse, and Frances Hay, their son, as follows:—On November last, Patrik Grant of Ballandallach, James Grant of Dalvey, Johnne Grant in Lethindye, Robert Grant, his brother, William Grant in Tulchen, Patrik and Robert Kynnaird of Glenlattrothe, James Kynnaird in Quhytwrey, Johnne Grant, apparent of Cardaillis, Harie Stewart, his servitor, Thomas Hardy, burgess of Elgin, Alexander Innes, son of M^cTarie there, Angus Gow in Skyravie, Robert Stewart, brother of Kilmachlane, Thomas Narne in Lethnitie, Arthour Stewart there, Patrik Grant in Skyravie, Patrik Grant in Dalnapoit, Robert Moir in Petcroy, William M^cInnes there, Robert M^cRobert there, Patrik M^cCondochie Roy there, James Thomesoun, burgess of Elgin, and others, to the number of 100 persons, all armed with "bowis, durkis, swerdis, Lochaber aixes, malyie coittis, Jedburgh staulffis, halbertis," and also with guns, hagbuts, and pistollets, went to the said William's "house or chalmer within the burgh of Elgin," entered the same violently, searched for the said Frances, and "stoggit the haill beddis" in their desire to get at him. Missing the said Frances, who had escaped by a private passage, they set upon his mother, "tramptit and tred hir undir thair feit," and wounded her severely.—The Lord Advocate appearing, and the said Frances appearing for himself and other pursuers, and the said Patrik Kynnaird, and Johnne Grant, apparent of Cardaillis, being present, but the other defenders not answering the summons, the Lords assoilzie the said Patrik Kynnaird and Johnne Grant because they have denied the charge on oath; and they order the absentee defenders to be denounced rebels. Fol. 196, a. Fol. 196, b.

Act in favour of the city of Glasgow, extending for another five years the right that had been granted to the magistrates of the city of a toll for nineteen years on goods crossing the bridge of the city.

Petition by the provost, bailies, and council of the city of Glasgow, as follows:—"The brig of the said citie of Glasgow, quhilk is ane of the moist remarcable monumentis within the kingdome, being in the sex hundreth and ane yeir of God verie fer decayit and at the poynte of ruyne, the pilleris, pend, and undirpropis of the brig being so schaikin and brugille by the inundatioun, force, and violence of the watter of Clyd as the same wes become altogidder louse, to the appeirand overthraw of the said brig, and divers pairtis of the watter of Clyde beneth the brig being so overblowne with sand as the watter wes become unnavigable for boitis and veschellis of small birth,—quhairwith all the commoditeis of the said Fol. 197, a.

Decreta Nov. 1617–Nov. 1618.

citie for the most pairt wer brocht to and fra the said citie," the petitioners, who were unable at that time to repair the bridge, were allowed by his Majesty to raise an impost for the space of 19 years on all goods carried across the bridge and "lossit and laidnit within the fredome of the same

Fol. 197, b

citie upoun the watter of Clyde." This tax, "by and attoure verie grite sowmes yeirlie upliftit be voluntair contributioun within the said citie," was so bestowed that "the brig wes weill helpit, the sandis of the watter removed, and calsayis biggit alongis the greene upoun the watter syde." But the expenses of upkeep of the same are now so heavy that petitioners are compelled to crave further relief.—The Lords continue the right of levying the tax for five years beyond the expiry of the said nineteen years: viz. "of ilk horsse laid of victuall or other goodis passing alangis the said brig or fra the watter, of unfremen and travellairis iiijđ; off ilk thowsand greene hering loissed and sauld within the fredome of the citie of Glasgow, of the unfremen inbringairis thairof iiijđ, and of freemen

Fol. 198, a.

ijđ; off ilk packed hoighead of hering, of unfremen xijđ; off ilk twn of wyne loissed within the fredome of the said citie, of unfreemen iijš iiijđ; off ilk boit comeand to the watter of the said citie with tymmer boordis and stingis, of unfreemen iijš iiijđ; off ilk boit of killing of ten dusane, of unfreemen ane killing; off ilk laid of victuall coft in the said citie and passand doun the water, of unfreemen vjđ."

Martin Balfour and his sons against Henry Landells and his servants for assault.

Complaint by Martene Balfoure in Lalethame, M^r^ David and George Balfoure, his sons, that Henry Landillis in Kilmuckis, who has conceived a deadly hatred against them, lay in wait on Sunday October last, with James Wishart and Edward Andirsoun, his servants, on the highway to

Fol. 198, b.

the parish kirk of Kenneway, and committed a fierce assault upon them, wounding the said M^r^ David in the left arm, hand, and other parts.—Pursuers and defenders appearing, the Lords assoilzie the latter, because the said Henry Landillis has sworn "that, he being invaidit and persewit of his lyff be the said persewairis, he onlie drew ane sword in his awne defence," and his said servants that the charge "wes not of veritie." Each party is to find lawburrows in £1000.

Fol. 199, a.

John Morice against John Archibald for assault.

Complaint by Johnne Moreis, son of Robert Moreis in Tullibody, that Johnne Archibald, elder, son of Johnne Archibald in kirkland of Tullibody, and some accomplices, menaced him in the town of Tullibody on Sunday, September last, and assaulted him with drawn swords.—Pursuer and defender appearing, the Lords assoilzie the latter, because he has declared on oath that he had been assaulted by pursuer and had drawn his sword only in defence.

Fol. 199, b.

Andrew Whyte, keeper of the Edinburgh Tolbooth, against Walter Scott of Goldilands for non-fulfilment of an engagement.

Complaint by Andro Quhyte, keeper of the Tolbooth of Edinburgh, as follows:—"Robert Davidsoun and Gawin Ewart wer commitit to waird within the Tolbuith of the said burgh, quhome he furnist daylie and ilk day fra the day of thair entrie to the nynetene day of November last sextene schillingis at the speciall and earnist requeist of Waltir Scot of Goldelandis, as his ticket subscryvit with his hand of the dait the xvij day of October at mair lenth beiris." The said laird now refuses to

make payment.—Pursuer appearing personally, and defender not appearing, the Lords order the said Waltir Scot to pay the foresaid money. Decreta Nov. 1617–Nov. 1618.

Caution by Sir Rory MacLeod of Harris for the Captain of Clanranald.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Sir Rory M^cCleud of Hereis, and become actit and oblist as cautioner and souirtie for Johnne M^cDonald V^cAllane V^cEane of Ylantyrum, Capitane of the Clanrannald, that the said Johnne sall compeir personalie befoir the Lordis of Secreit Counsaill upoun the tent day of Julij nixttocome, for geving of his obedyence to the saidis Lordis, as the rest of the Ilismen hes done, under the pane of ten thowsand merkis." Isles. Page 235.

Caution by the same and Mac-Lean of Coll for Allan Mac-Eanduy Mac-Lean.

This day appeared the foresaid Sir Rory and M^cClayne of Coill, and became cautioners in 1000 merks for Allane M^cEanduy M^cClane for his appearance before the Council on 40 days' warning. The said Allane, being also present, promised to relieve his said cautioners.

Patent for making gunpowder.

"The quhilk day a patent wes ordanit to be exped to M^r Heddeslie for making of poulder and sulphur" (*ante*, p. 275). Sederunts. Fol. 20, b.

Edinburgh, 12th February 1618.

Sederunt—Chancellor; Treasurer; Bishop of Glasgow; Bishop of Ros; Perthe; Lauderdaill; Cranstoun; Binning; Carnegy; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsaithe; Bruntyland; Ridhous; Medop; Curriehill; Marchinstoun; M^r P. Rollok; Conservator; Sir Andro Ker. Acta Sept. 1617–July 1620. Fol. 130, b.

Sir George Erskine admitted of the Council.

This day the Lords, in accordance with the following royal letter, admitted Sir George Erskine, knight, of the Council with the usual ceremonies.—"Right trustie and right weilbelovit cosine and counsellour, we greete you weele. Haveing perfytlie understoode the sufficiencie and qualificatioun of Sir George Erskine and his goode affectioun to the advancement of all thingis whiche may concerne oure service, we ar weele pleasit to mak and constitute him one of the ordinair nomber of oure Previe Counsell in that oure kingdome. We have thairfoir thoght goode by these presentis to will and require yow to caus the oathe accustomed in the lyke caises be administrat to the said Sir George, geveing and granting unto him the place of a Previe Counsellour, with all honnouris, digniteis, previlegeis, and immuniteis quhilkis ony other oure Previe Counsellour injoyeth be verteu of his place in oure said Counsell. In whiche behalf as these presentis salbe unto you a sufficient warrand, so we bid yow fairweele. At Newmerkatt, the last of Januair 1618." Fol. 131,

Act for preventing certain frauds on the Customs that have been common among the proprietors and farmers of

"Forsamekle as the Lordis of Secreit Counsaill ar informit of a verie grite abuse that hes beene usit thir divers yeiris bigane be the maisteris, awnaris, and fermoraris of the coilheughis and salt pannis upoun the Watter of Foirthe abone the Quenisferrie, who quhen ony strangearis comes to thame to by thair coill or salt thay do unlaughfullie bargane and conditioun with the strangearis to releve thame of payment of his

Acta Sept. 1617-July 1620.

coal-heughs and salt-pans upon the Firth of Forth above Queensferry.

Majesteis custome, quhilk custome thay adjone to the price of thair coill and salt, and upliftis the same frome the strangearis, putting thame in opinioun that thay may depairt without dangeir and that no custome is to be craved of thame, swa that mony strangearis depairtis and passis away with thair laidning without payment of custome; and, whenas this is objectit to the saidis maisteris, awnaris, and fermoraris of coilheughis and salt panis and thair greevis, thay seame to misknow the conditioun and bargane that thay maid with the strangearis, and layis the haill blame upoun the strangearis, as gif thay had stollin away in defraud of the custome; and for suche strangearis as are challangeit and chairget for thair custome afoir thay louse, the saidis awnairis and fermoraris takis ordoure for thame: and, besydis this abuse used with strangearis to his Majesteis prejudice in the mater of coill and salt, thair is ane uther abuse als frequent and commoun in the boundis foirsaidis and commitit be divers avaritious personis, who quhen thay mak bargane and conditioun for coillis thay are not eshamed nor affrayed to pretend and afferme that thay are onlie bowne with thair laidning to Dundie or some other pairtis within the cuntrey, and yit, quhen thay are downe the Firth and in thair opinioun oute of all suspitioun to be challangeit, thay sett thair course directlie for England, France, Flanderis, or some otheris pairtis beyond sea, and thair sellis thair laidning without acknawledgeing of his Majesteis customaris: so that in bothe thir caises his Majestie is verie fer defraudit in his customes: For eschewing of the quhilk fraude and dissait in tyme comeing the Lordis of Secreit Counsaill ordanis letteris to be direct to command, charge, and inhibite the maisteris, awnaris, and fermoraris of the saidis coilheughis and salt panes and thair grevis that nane of thame presome nor tak upoun hand at ony tyme heirefter to mak ony bargane or conditioun, privat or publict, with ony strangeairis for releving of thame of his Majesteis customes, bot that thay suffer the saidis strangearis to mak lauchfull entrie thame selffis of thair schippis and goodis, and pay his Majesteis custome thairfore; certifeing the saidis maisteris, awnairis, and fermoraris of the saidis coilheughis and salt panes and thair grevis, gif thay failyie or do in the contrair heirof, that thay salbe subject and undirly that same pane quhilk be the law is [set doun aganis transportairis of uncustumat goodis,—to wit, confisca[tioun] of all thair movable guidis and geir to his Majesteis use: As alsua to command and chairge all and sindrie personis that heirefter [sall] laidin ony veschellis with coillis within the boundis abonewrittin [with] pretens to cary the same to some pairt within the cuntrey, that thay find cautioun and souirtie to his Majesteis customair or [his] deputis within the saidis boundis abone writtin afoir the laidni[ng of] thair schippis and veschellis that thay sall outher pay to his Majesteis said customair or his deputis the custome dew to be payit for [the] saidis coillis within the space of three monethis after thair [lowseing] fra the poirt quhair thay tak in thair laidning, or ellis that within the same space thay reporte to the said customair or his deputis [ane] sufficient certificat in write, undir the

Fol. 131, b.

hand of the magistratis [of the] townis or portis quhair thay dischairge thair laidning, beiring [that] thay have dischairgit and delyverit thair laidning at the said porte. And, gif thay refuise to find the said cautioun, that the saidis officeris . . . thair schippis and veschellis, and tak thair saillis fra thair raes, sua that thay depairt not quhill the said cautioun be fundin." Acta Sept. 1617–July 1620. Fol. 132, a.

Act exempting Archbishop Law of Glasgow from the payment of the second term's portion of the taxation of 1612 for his former diocese of Orkney.

"The Lordis of Secreit Counsaill undirstanding that James, than Bischop of Orknay, and now Archibischop of Glasgow, come not to the possessioun and uplifting of the rentis of the bischoprik of Orknay off the crope and yeir of God j^m vj^c and threttene yeiris, upoun quhilk rent the secund termes payment of the taxatioun of the same bischoprick of Orknay sould have bene payit, the saidis Lordis thairfore exemis the said James, now Archibischop of Glasgow, fra payment of ony pairt of the said secund termes payment of the taxatioun of the bischoprik of Orknay in the taxatioun of two hundreth fourty thowsand pundis grantit to oure Soverane Lord in the moneth of October j^m vj^c and twelf yeiris, and decernis and ordanis Sir Gedeone Murray of Elibank, knycht, collectour of the same taxatioun, to desist and ceis fra all chairgeing and craveing of the said James, Archibischop of Glasgow, for the said secund termes payment of the taxatioun of the Bishoprik of Orknay. Quhilk taxatioun thay ordane and promittis to allow to the said Sir Gedeone Murray in his accomptis of the same taxatioun, and for quhilk these presentis salbe his sufficient warrand."

Warrant for the payment to Mr. Peter Bruce, Rector of the University of St. Andrews, of £1000 for timber and other materials for roofing the University Library.

"The Lordis of Secrite Counsaill haveing directioun frome his Majestie to caus Sir Gedeone Murray of Elibank, knycht, pay and deliver to M^r Petir Bruce, Directour of the Universitie of Sanctandrois, the sowme of ane thowsand pundis usuall money of this kingdome for buying of tymber and uther materiallis for the ruiff of that house ordanit to keepe the librarie of the said Universitie, the saidis Lordis thairfore willis and ordanis the said Sir Gedeone Murray to content and pay to the said M^r Petir Bruce for the use abonewrittin the said sowme of ane thowsand pundis out of a pairt of the taxatioun of two hundreth fourty thowsand pundis grantit to oure Soverane Lord in the moneth of October j^m vj^c and twelf yeiris. Quhilk sowme the saidis Lordis ordanis the auditoris of the said Sir Gedeone his accomptis of the same taxatioun to defease and allow to him,—thir presentis, with the said M^r Petir Bruce his acquittance, being schawne and produceit upoun accompt for the said Sir Gedeone his warrand."

Proclamation anent Lent.

Preamble of a proclamation against eating flesh in Lent, beginning in the same way as in previous proclamations (*ante*, p. 26). The entry is incomplete.

Edinburgh, 12th February 1618.

[Sederunt as recorded above.]

Decreta Nov. 1617–Nov. 1618. Fol. 200, a.

Caption against Thomas Lyon

Complaint by M^r James Stewart of Tullois that Thomas Lyoun, son of the late Sir Thomas Lyoun of Auldbar, knight, remains unrelaxed from

Decreta Nov. 1617–Nov. 1618.

a horning of 18th January 1617 for not finding caution in 1000 merks for pursuer's indemnity.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

for not finding caution for the indemnity of Mr. James Stewart of Tullos.

Fol. 200, b.

Complaint by Dame Margaret Hammiltoun, relict of Sir Alexander Kirkpatrik of Kirkmichaell, that Andro Lawsoun in Tounhead of Kirkmichaell, Nicoll Kirk there, Adam Corrie there, Edward Adamesoun there, Johnne Kirkpatrik there, Robert Adamsoun there, Hob Kirkpatrik there, Rob Faid there, Edward Wilsoun there, Robert Dynwiddie there, Edward Lawsoun there, William Craig there, Johnne Robsoun there, Johnne Faid there, Johnne Turnour there, William Creichtoun there, Mitchell Lawsoun there, Johnne Wilsoun there, and Mungo Faid there remain unrelaxed from a horning of 29th December last for not paying to James, Marquis of Hammiltoun, "the particulair victuall silver maill and sowmes of money specifeit," for which pursuer has been constituted assignee.—Pursuer appearing by James Connell, and defenders not appearing, the Lords give order as above.

Captions against Andrew Lawson and a number of others for debt to Lady Kirkmichael as assignee for the Marquis of Hamilton.

Fol. 201, a.

Complaint by Mr Johnne Lindsay of Kinloche that David Beatoun of Carsgowny remains unrelaxed from a horning of 9th December last for not paying 1000 merks of principal and 100 merks of expenses.—Pursuer appearing by James Douglas, macer, and defender not appearing, the Lords give order as above.

Caption against David Beatoun of Carsgowny for debt to Mr. John Lindsay.

Fol. 201, b.

Complaint by James Merschell, messenger, indweller in Bruntiland, as follows:—Robert Lambert, flesher in the West Brig of Kirkaldy, went on November last to the dwelling-house of Johnne Tod in the Pethhead of Kirkaldy, where pursuer was for the time, and attacked him with a flesher's knife with intent to murder him. On the night of 23rd November last, defender went to pursuer's house in Bruntiland, entered, and searched for him. Pursuer, who had been absent, returned shortly after, and unexpectedly met the said Robert at the door. He was again

James Marshall in Burntisland against Robert Lambert for assault.

Fol. 202, a.

assaulted with a flesher's knife, and was wounded in the arm.—Pursuer appearing, and defender not appearing, the Lords order defender to be denounced rebel.

Complaint by Henry Landillis of Wester Kilmuchis, as follows (*ante*, p. 305):—Martyne Balfour, portioner of Lalethame, Mr David Balfoure, his son and heir, and Thomas and George Balfoure, also sons, went armed to the town end of Kennoquhie, on Sunday 26th October last, expecting to meet pursuer on his way to the kirk. As soon as they saw him, they "start af the hie way, and come directlie to the said complenair, who preassed af the way to have eschewit frome thame, and thair moist

Henry Landells against Martin Balfour and his sons for assault.

Fol. 202, b.

feirslie set upoun him." They first gave him six wounds, one in the forehead cutting through his "harnepan," one in the right shoulder blade, one in the "left fillat," a fourth in his right thigh bone, and two "in his womb," and then struck him to the ground and gave him three dirk wounds in the breast. They broke his sword in pieces.—Pursuer and

defenders appearing personally, the Lords find the charge proven, and order the said Martene and Mr David to be committed to the Tolbooth of Edinburgh, to remain therein during their Lordships' pleasure. Decreta Nov 1617–Nov. 1618. Fol. 203, a.

Caution by Donald Gorme for Ronnald McAllane VcEane.

This day appeared Donald Gorme of Slaitt and became cautioner for Rannald McAllane VcEane, brother of the late Donald McAllane VcEane, Captain of the Clanrannald, that he will appear on 10th July (as in entry *ante*, p. 306), under the pain of 3000 merks. "And in the meantyme that he sall behave him selff as ane deutifull and obedient subject to his Majestie, and that he salbe answerable to his Majestie and his lawis, under the said pane." Isles. Page 236.

Commission to the Earl of Angus and others for the apprehension of John Carmichael of Abington and others, at the horn for the slaughter of Robert Graham.

Commission under the Signet, signed by the Chancellor, Marr, and Binning, is given to William, Earl of Angus, James Twedy of Drummailyour, William Baillie of Lamyntoun, Alexander Baillie of Bakbie, and Gawin Kneland of Underbank, to apprehend and deliver to justice Johne Carmichall of Abingtoun, George and William Carmichall, his brothers, Thomas Johnstoun, called of Hungriehill, Johne Carmichael, apparent of Pottieshaw, Johne Carmichall, called of Reidmyre, and Hew Carmichall, his brother, who remain unrelaxed from hornings of 23rd, 24th and 26th January last, at the instance of Alexander Weir in Nether Newtoun, Mr James Grahame, as brother, Katherine and Bessie Grahame, as sisters, and the remaining kin, of the late Robert Grahame, with the King's Advocate, for not having found caution to answer to the charge of having slain the said Robert, and shot hagbuts and pistollets at him and his said master under cloud of night. Commissions. Fol. 43, b.

Earl of Caithness.

"Missive to the Erll of Caithnes." Sederunts. Fol. 20, b.

Edinburgh, 17th February 1618.

Sederunt—Chancellor; Treasurer; Perth; Abircorne; Lotheane; Tullibardin; Roxburgh; Bishop of Ros; Lawdirdaill; Cranstoun; Binning; Carnegy; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop; Ridhouse; Curriehill; Sir G. Erskin; Mr Petir Rollok; Marchinstoun; Conservator; Sir Andro Ker. Acta Sept. 1617–July 1620. Fol. 132, b.

Act and Proclamation against the dangerous custom of keeping stacks of heather, broom, whins, and other such fuel, in the vennels and closes or on the streets of Edinburgh, and also against the exposure of butchers' offal anywhere on the streets and closes, and the

"Forsamekle as, the Kingis Majestie and Lordis of his Prevey Counsaill considering the daingerous and feirfull abuse that hes bene of continewance thir mony yeiris bigane within the burgh of Edinburgh by the tollerance, connivence, and ovirsicht quhilk hes bene gevin to baxteris, brousteris, and otheris to big and keip stakkis of hedder, broome, quhynis, and other fewall in the hairt of the said burgh and [in] the vennellis and cloises of the same, quhair sindrie of his Majesteis guid subjectis inhabitantis of the said burgh hes with grite ch[airges] and expensis build mony guid housis and biggingis to the [credite of] the said burgh and for the policie and decoratioun of the same, [by] the quhilkis stakkis of hedder, broome, quhynnis, and uther fewall [big]git and keipit within the said burgh not onlie are the nichtbou[ris] of the nixt adjacent pairtis thairunto haldin in continewall fe[ir and] dreddoure, and are in

Acta Sept. 1617–July 1620.

verie grite hasard and dainger gif outh[er be] negligence or wilfull malice (as God forbid) fyre salbe set[tin to the] saidis stakkis, as fell oute by the fyreing of some stakkis in P Wynd in the 1584 yeir of God, bot a grite nomber of people, who [ar] inclynit and disposit to bestow some pairt of thair estaite upoun [the] bigging within the said burgh, are withhaldin thairfra for feir [of] the saidis stakkis: And, besydis this abuse, quhilk is both . . . . dangerous and hes produceit mony inconvenientis and grite skaith fra tyme to tyme to the said burgh, thair is ane other schamefull abuse thairin, whilk, althocht it be not so feirfull and daingerous as the other, yit it is noysome to the haill civile and honnest nichtbouris and to all the nobilitie and cuntrey people that comes heir for thir privat adois, and with that it is detestable in the sight of strangeairis, corrupis the ayre, and caryis mony disgracefull and schamefull imputationis aganis the said burgh as being a puddle of filthe and filthynes,—to witt, the ovirsicht that is gevin to candilmakeris to keip thair choppis and housis quhair thay melt thair talloun and craklingis within the hairt of the said burgh, and to fleschouris to keepe thair slauchter choppis within the toun and to teime the filthe of the slauchtered goodis upoun the hie streitis and in oppin vennellis and cloisis, quhairby it oftymes fallis oute that in mony streitis and vennellis of the said burgh the filthe of slauchtered goodis is in suche aboundance exposed to the vew of the people and the cloisis and streitis so filled thairwith as thair can no passage be had through the same: For removeing of the quhilkis tua abuseis so dangerous and disgracefull to the said burgh the Kingis Majestie, with advise of the Lordis of his Secrite Counsaill, hes resolvit, concludit, commandit, and ordanit that fra the first day of Maij nixttocum thair salbe no stakkis of heddir, broome, quhynnis, nor other fewall keepit nor sufferit to be in ony of the vennellis, wyndis, or cloisis of the said burgh nor within housis nor upoun the streitis of the same, and that no flescheouris salbe sufferit, be thame selffis, thair servandis, or otheris in thair names, to keepe ony slauchter housis within this burgh, nor in na vennell, cloise, nor wynd of the same, nor to teime the blood and filth of thair slauchtered goodis upoun the streitis or in cloisis or vennellis, nor that na candilmakeris keepe thair melting housis within the said burgh, bot that the saidis stakkis of hedder, broome, quhynnis, or uther fewall salbe careyed and sett at some remote pairtis of the burgh besydis the portis, wallis, or North Loche syde, quhair thair is no housis; and that the saidis flescheouris provide thame selffis of slauchter housis at the North Loche syde, quhair thay may haif the use of the watter for awaytaking of the filthe of thair slauchter[ed] goodis; and that the candilmakeris provide thame selfis of housis for melting of thair talloun and craklingis at some remote pairt of the toun fra the commoun streitis, cloisis, and vennellis of the same: and ordanis letteris to be direct to mak publicatioun heirof be oppin proclamatioun at the Mercat Croce of Edinburgh, quhairthrow nane pretend ignorance of the same, and to command, chairge, and inhibite all and sindrie personis inhabitantis within the said

melting of tallow by candlemakers anywhere in the inhabited parts of the town: with specification of the particular suburbs where stacks of the dangerous fuel may in future be kept, and where butchers may dispose of their offal and candlemakers may have their melting premises.

Fol. 133, a.

Fol. 133, b.

burgh, of quhat tread or calling soevir thay be, that thay nor nane of thame nor nane be thair command or directioun found, big, or keipe ony stakkis or rwkis of hedder, broome, quhynnis, or uther fewall within ony of the cloisis, vennellis, or waist placeis of the said burgh, nor within thair housis, and that thay remove the stakkis quhilkis thay already haif and big the same at some remote placeis about the portis and wallis of the said burgh quhair thair is no housis, or at the North Loche syde, betuix and the said first day of Maij nixttocome, under the pane of confiscatioun of the said hadder, broome, and quhynnis sua to be stakkit aganis the meaning and intent of this act, and forder under the pane of fyve hundreth pundis to be payit be thame so oft as thay salhappin to failyie; and siklyke to command and chairge all and sindrie flescheouris inhabitantis within the said burgh that thay prepair thame selffis of slaughter housis at the North Loche syde quhair thay may haif the commoditie of waltir for thair use, and that thay onnawyse presoome nor tak upoun hand efter the said day to teime the filthe or bloode of thair slauchtered goodis upoun the streitis, nor in the vennellis, cloisis, and wyndis, of this burgh; as alsua to chairge all candilmakeris that thay betuix and the day foirsaid provyde thame selffis of housis for melting of thair talloun and craklingis at some remote pairtis of the toun fra the commoun streitis, cloisis, and vennellis of the same, undir the pane of fyve hundreth pundis money to be incurrit be everie persone, fleschoure and candilmaker, so oft as thay sall failyie. And siclyke to command and charge the Provest and Bailleis of Edinburgh that thay haif a speciall cair and regaird to see this present act to be preceislie and inviolablie keipt, as thay will ansuer to his Majestie and the saidis Lordis upoun the dewtifull dischairge of thair office." Acta Sept 1617–July 1620.

[Sederunt as recorded above.]

Edinburgh, 17th Feburary 1618. William Aysoun, burgess of Elgin, against George Sutherland, sheriff-clerk of Elgin and Forres, for extortionate overcharge for a copy of a legal paper, and for continued vexation of the pursuer for his declining to pay the sum demanded: complaint found proven, and defendant committed to ward, and deprived of his office.

Decreta Nov. 1617–Nov. 1618. Fol. 203, a.

Complaint by William Eysoun, burgess of Elgine, as follows:—George Sutherland, sheriff-clerk of Elgin and Forres, in contravention of the acts anent the fees of clerks and writers, made a charge, in the year 1615, of £30 and 1 boll of malt for "ane litle act and rolment of courte, contening ane obsolvitour frome ane blood, extractit be him unto the said complenair,—quhilk contenit not abone half ane through of paper. And, becaus the said complenair with verie good reasoun repynnit some thing at this schamles and extraordinair price for writing of half ane through of paper, being verie willing notwithstanding to pay him sax tymes mair nor the saidis Lordis be thair ordinance had appointit and set doun, he thairfore consavit ane grite haitrent, grudge, and miscontentment aganis the said complenair. And, althocht he nevir maid promeis nor conditioun to him be worde nor write of the said sowme, yit verie unlauchfullie and unformalie he callit and convenit the said complenair in a schireff courte, quhairin him selff sat as judge and clerke, and he took a decrite to him selff aganis the said complenair for payment of the said sowme, Fol. 203, b.

Decreta Nov. 1617-Nov. 1618.

and committit him to waird within the Tolbuith of Elgin for the same, quhairin he detenit him a lang tyme, and hes haldin the said complenair in continewall tormoyle, trouble, and faschrie for that caus almaist thir tua yeiris bigane, sometymes by arreisting and poinding of the said complenairis geir, and sometymes by wairding of his persone, quhairby he hes drevin the said complenair, who sometymes wes ane honnest man, to the extreame poynte of miserie and pouirtie."—Both parties appearing, the Fol. 204, a. Lords find the charge proven. They order defender to pay £30 to pursuer, and to be detained in the Tolbooth of Edinburgh during their pleasure. Further, they deprive him of his clerkship of Elgin and Forres, and of his office of notary.

Borders. Fol. 55, b.

Edinburgh, 17th Feburary 1618. Answers to the Articles and Propositions recently sent down by the English Privy Council respecting future arrangements for the government of the Middle Shires; with letters to his Majesty submitting the answers to him before their presentation to the English Privy Council, and requesting his Majesty's attention to some points of doubt or delicacy on the Scottish side in the final adjustment of such a business between the two kingdoms.

"Answeris be his Majesteis Counsell in Scotland to the resolutionis of the Lordis and utheris of his Majesteis Counsell of England, beiring date at the Star Chalmer, the 21st of November last, tuiching the government of the Middle Schyris of bothe kingdomes (*ante*, p. 288).

1, 2.—Anent the first and secund articles: The Councell estemis the cours and ordour tane thairanent verrie expedient; the lyk quhairof is alreddy observeit in this kingdome and establischit be statute of Parliament, and be a Generall Band maid to his Majestie be the haill landislordis on the Middle Schyres (*ante*, p. 217), quhilk is equivalent in effect to the ordour prescryveit in the saidis tua articles. And, sieing this ordour is generall for the haill bordering schyres on this syde, it is desyreit that the lyk mutuall cours and ordour be observed throughout the haill bordering schyris on the opposit syde; quhilk being done, the commoun peace of the Middle Schyres wilbe thairby greatly furtherit and advanceit. And, quhairas it is desyreit that spedie mentioun be maid of the pairtes and plaices on the opposit hand quhairfra this countrie ressaves als greit harme as frome the pairtis designeit in the saidis tua articlis, these following ar gevin up,—to witt, Glendaill, Cookedaill, Bamborgh, Gillisland, and Kissopsyde.

3.—Anent the thrid article: gif any ane or ma of the commissioneris sall bayle a malefactour out of court, these commissioneris salbe ansuerable alsweill to the pairtie at whose instance the malefactour was arrested for redres of his skaith as to the Kinges Majestie and his Counsall upoun the brek of dewtie in his office.

4.—All warrandis frome the schireffis, justeices, and commissioneris sall runne throchout the Schyres, and sall haif effect and executioun so far as the lawis of this countrie will permit, so as no hinder to justeice sall arryse be ony interruptioun thairof.

5.—This article is verrrie just; and thair is alreddy statutis maid and ordinarlie obeyit in this countrie thairanent; and, gif ony be heirefter fund remisse or undewtifull, they salbe seveirlie punisched.

6.—Command and directioun salbe gevin to the landislordis and magistrates in the countrey to caus the saxt article be observed and cautioun to be fund be these quhome it concernes accordinglie.

7.—The Counsell findis no inconvenient upoun the Scottis syde be the libertie of maltmakeris; bot, gif ony sall appeir, ordour salbe taine for suppressing of the same. Borders. Fol. 56, a.

8.—The eyght article is verrie ressonable; and proclamatioun salbe maid for observing thairof, with intimatioun of condigne punischment againes the contravenaris.

9.—Command and directioun salbe gevin by proclamatioun concerneing the nynt article, and the contravenieris salbe punist with such rigour as may restraine the abuse.

10.—Anent the tent article: the ordour prescryvit and set doun thairintill salbe accordinglie followit oute heir in everie poynt.

11.—The ellevint article is verrie reassonable, and salbe commandit to be observit in this countrie.

12.—The article concerneing the buying of horsse, scheip, and cattell in England by the toll book is weill sett doun: bot in Scotland they ar bocht with borgh and hammell, and thairfoir it is thocht meitt that, notwithstanding of the tolling in England and of the borgh and hammell in Scotland, that trew men sustening skaith and challangeing thair guidis upoun sufficient prooffe sall have the same delyverit, reserveing to the buyaris actioun to seik their warrand; for it seames to aggrie with reassoun that, gif the trew men ressave thair guidis, the buyaris sould be frie of imputatioun of the cryme, unles they be tryed accessorie to it.

13.—Sieing be the lawis of this kingdome and Generall Band everie landislord in the Middle Schryes is bundin to be ansuerabill for all theis that duell on his land, the Counsell sees no necessitie that the cours prescryveit in the xiij article be followit out heir.

14.—The ordour prescryveit in the xiij article is alreddy establischit and observit on the Scottis syd.

15.—Thair is actis of Parliament maid and standing in force within Scotland quhilkis, with the Generall Band, ar equivalent with the xv article, and answeris thairto in everie poynt.

16.—The xvj article is verrie reassonable and proffitable for the countrie; and the Counsell findis that the same may be put in executioun be vertew of the Conjunct Commissioun in the Middle Schyres, so as no correspondence sall faile upoun this syde to that quhilk salbe ordaneit and executed in England.

That upoun all thir articles proclamatioun salbe maid be his Majesteis commandement, and care takin to sie the same obeyit and the contravenaris punisched.

Answeris to the articlis ordaneit to pas by commissioun. Fol. 56, b.

1.—The pouer grantit to the Commissioneris of the Middle Schyres on the Scottis syd be thair commissioun is ansuerabill to this first article in everie poynt and member thairof, and neidis no extentioun.

2.—The power of the Commissioneris on the Scottis syd is sufficient and ansueris to this secund article, sieing the tymes of thair meitting ar not limitted, bot they may at everie occasioun convene and proceid to the

Borders.

examinatioun, tryall, and punisching of offensis falling under the compas of thair commissioun, without latt or impediment be vacatioun or uther-wayes, so as any pairtie greived may expect and haif redresse upoun xv dayes warneing, gif neid be, the lyk expeditioun being granted in the just complentis of our countrie people.

3.—This thrid article is coincident to the xiij article; and the Councell findis it convenient that sum cours salbe takin with theis that, being sent to Ireland, returnes without warrand, as the thrid article beiris.

4.—Anent the fourth article ordaneit to pas by commissioun, the Councell findis it expedient that a commissioun salbe exped and directit in forme and maner as is prescryveit and sett downe in the said fourt article, and the lyk salbe exped heir.

5.—The Councell findis that, sieing the Middle Schyres of this kingdome ar so neir to the burgh of Edinburgh, quhair the supreme judges of the land sittis, and quhair the Commissioneris of the Middle Schyres may have resolutioun in ony mater of doubt or questioun that sall concerne thame, and assistance for furthsetting of his Majesteis auctoritie, that thairfoir the cours sett downe in the fyft article is unnecessar in Scotland; for at everie intervening occasioun the Councell will send for the Commissioneris, tak accompt of thair diligence, heir thair desyres, and grant thame all advyce and assistance convenient.

6.—Ordour wilbe gevin that the saxt article salbe satisfeit in all plaices neidfull on this syde.

And, becaus the present cours, depending upoun the pouer and auctoritie of the Commissionaris and diligence and executioun of the garisoun, hes brocht the lait Bordoris upoun this syd to greit quyetnes by cutting af mony malefactouris and reduceing utheris to ordour and obedience, whairof any assured continewance cannot be expectit gif his Majesteis horsemen salbe dischargeit quhill the weill-begun quyetnes salbe more perfytlie establisched, the Councell humblie propones to his Majesteis wyse consideratioun gif the saiffing of charges bestowed upoun the Commissioneris and horsemen, not exceiding in the yeir .

Fol. 57, a.

The quhilk day the ansueris abonewrittin maid and sett doun to the articlis and resolutionis of the Counsell of England anent the governement of the Middle Schyres wer produceit and red to the Counsell, and allowit be thame, and ordaneit to be sent up to his Majestie, with a missive frome the Counsell craveing that his Majestie wald advyse with the articles, and, as his Majestie sall think it expedient, to caus delyver thame to the Secretarie of England, to be schown be him to the Counsell; and, gif his Majestie wald have any thing to be reformeit in thame, upoun significatioun of his Majesteis will and pleasour thairanent the same salbe done.

To his Ma: anent the Middle Schyris.

Most Sacred Soverane.—The articles and resolutioun of your Majesteis Counsell thair tuiching the governament of the Middle Schyires, proceiding, we doubt not, frome your Majesteis princelie cair and most singular and prudent directioun for the peace and quyetnes of these pairtes, beeing send heir be Sir Thomas Laike, your Majesteis Secretarye, to the effect

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the lyk mycht be past and exped be your Majesteis Counsell heir, we Borders.
have diligentlie perused and considderit the same articles in everie poynt; and, efter advyse and consideremce haid with the Commissioneris of the Middle Schyres, quhome these materis cheiflie concernes, we have punctuallie ansuerit every ane of the said articles, and hes heirwith send the same answeris to your Majestie, to be seine and allowit be your Majestie afoir they be schowin to the Councell table thair, humelie beseiking that, gif your Majestie be satisfeit and content thairwith, to caus sum of your Majesteis servandis delyver thame to M^r^ Secretarye Laike to be schawin be him to the Counsell, bot, gif any thing thairintill mislyke your Majestie, and that your Majestie be desyrous to have the same reformed, upoun significatioun of your royall will and plesure thairanent we sall gif unto your Majestie satisfactioun. And so, with our humble prayeris to God for your Majesteis lang and happie reigning, we rest. Edinburgh 19th Februarij 1618. *Sic subscribitur*, CHANCELLOR; MAR; ST. ANDROIS; ROXBURGH; BINNING; SIR G. MURRAY.

The quhilk day the conjunct commissioun of the Middle Schyres under the Great Seall of England being send heir frome the Erle of Cumberland, with a letter to the Lord of Binning, his Majesteis Secretarie, for causing the Greit Seall of this kingdome be appendit thairunto, being this day presentit in Counsell be the said Lord of Binning and red in audience of the Councell, the Lordis ordanes ane missive letter to be wreittin to his Majestie concerneing the said commissioun; [of] the quhilk missive the tennour followis.—Pleis your Sacred Majestie.—The conjunct commissioun for the Middle Schyres past under the Great Seall of England being send heir upoun the 14 of this instant to the Lord Binning be the Erle of Cumberland, with ane letter frome him selff and ane uther frome M^r^ Fol. 57, b.
Secretarie Laik for appending the Great Seall of this kingdome unto it, and the said commissioun being produceit be the Lord of Binning and red in Counsell, thair arraise sum litle questioun and dispute gif way micht be gifin to the sealling thairof without sum warrand or directioun in wreit frome your Majestie, bearand [seeing that ?] in all preceiding commissionis of this kynd the same had not onlie a warrand of your Majesteis hand for the seall, bot with that thair come a double of the commissioun under your Majesteis hand for the warrand of our commissionaris proceidingis in that service, quhairin the prerogative of the ranking of the commissioneris for this syde and ordour of the seale is gevin unto us, and, this being the ordour that hes beine formerlie observeit, we lookeit that the lyk course sould have beine followit in this commissioun, seing in the Englisch commissioun send heir and produceit the lyk prerogative in ranking and ordour of the seale is gevin unto thame. Bot, quhairas nouther the warrand for the seale nor the double of the commissioun hes cum heir, and thair being sum alteratioun and change in the natour of the commissioun, especiallie anent the number of the commissioneris, quhairof thair is tua for the clergie on the Engleisch syde without ony of that rank for this syde, althocht the Archebischoppis of St. Androis and

Borders.

Glasgow hes mony possessionnes lyand more neir to our Merches nor the opposit bischoppes nominat in the commissioun produceit hes on the uther hand, the Councell thairfoir hes thocht it expedient that this commissioun sall stay heir some schort speace till the warrand for the sealling thairof and the double of the same under your Majesteis hand, with the reservatioun of the prerogative in the ranking and ordour of the Seale, be send heir. At quhilk tyme this commissioun salbe send up to your Majestie sealed with the double thairof under the Great Seall of this kingdome, to the effect your Majestie may caus your Greit Seale thair be appendit thairto. In the secund place, your Majestie may be pleasit to ressave heirwith a double of the commissioun drawne up for this syd aggreable in everie poynt and circumstance with the other commissioun, except in the ordour of ranking. Quhilk we humblie beseik your Majestie to signne, and caus the same be returned heir, with a warrand under your Majesteis hand for sealeing of the other commissioun, to the effect that, oure commissioun being exped oure Chancerie and sealed, the same may be send up to be lykwayes sealed thair. And, humblie houping that your Majestie wilbe gratiouslie pleasit to accept in guid pairt this scheort delay and stay of the said commissioun till we may know your Majesteis pleasour in thir poyntes, quhairin the dignitie and fredome of this your Majesteis ancient kingdome may be interessit or tuiched, and quhairin we dar not presum to be too rasche and suddane to proceid without a goode warrand, and humblie craveing pardoun of your Majestie for this our presumptioun, we rest. Edinburgh, 19th Februarij, CANCELLARIUS; MAR; St. ANDROIS; BINNING; CARNEGY; GEORGE HAY; R. COKBURNE."[1]

Sederunts. Fol. 21, a

"Submissioun betuix the Lord and Maister of Oliphant." — Lord Oliphant.

"Submissioun betuix Adam Montgomerie and Andro Hendersoun." — Adam Montgomery and Andrew Henderson.

Decreta Nov. 1617–Nov. 1618. Fol. 204, b.

Sederunt—Chancellor; Treasurer; Bishop of St. Androis; Perth; Abircorne; Lotheane; Tullibardin; Roxburgh; Bishop of Ros; Viscount of Lawder; Cranstoun; Binning; Carnegye; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Ridhouse; Medop; Curriehill; Marchinstoun; M^r^ Petir Rollok; Sir George Erskine; Sir Andro Ker. — Edinburgh, 19th February 1618.

Complaint by Williame Olipher in Lanyburne, tenant of William, Earl of Angus, that, on January last, he was most unlawfully apprehended in his dwelling-house by William Sintoun in Helialdrum Burne, Watt Sintoun, his brother, Thomas Broun in Thorishop, and others, at the instance of Waltir Scot of Goldelandis, and delivered by them to the said — William Oliver against William Sintoun and others for illegal arrest.

[1] The *Book of Sederunts* (f. 21, *a*) has:— "The conjunct commissioun for the Middle-shyris under the grite seale of England being send heir frome the Erll of Cumberland, with a letter to the Secretair for causing the grite seale of this kingdome be appendit thairunto, being this day presentit to the Counsell and red in thair audience, the Counsell findis meete that the same salbe stayed till Thurisday, that in the meantyme thay may be the better advisit thairwith."

laird, by whom he is still detained.—Pursuer appearing by Petir Algeo, and defenders neither appearing nor exhibiting pursuer, the Lords order the said laird and his said accomplices to be denounced rebels. Decreta Nov. 1617–Nov. 1618. Fol. 205, a.

Caption against Patrick Oliphant of Turings for debt to Robert Beattie.

Complaint by Robert Beatie, burgess of Montrois, that Patrik Oliphant of Turingis remains unrelaxed from a horning of 11th February last for not paying £96 of principal and £20 of expenses.—Pursuer appearing by Archibald Doulgas, macer, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Government prosecution of David Arbuthnot, Alexander Tulloch, and a number of others, for illegal carrying of firearms.

Complaint by the King's Advocate that David Arbuthnot, son of David Arbuthnot of Fyndawrie, Alexander Tulloch, fiar of Craignestoun, Johnne Moncur, fiar of Slanes, William Grahame of Fernyflet, Johnne Grahame in Morphie, Thomas Narne in Tolmondis, George Wischart in Fettircarne, Johnne Hill in Barras, William King in Glenbervie, Johnne Henry, servitor to the Laird of Lawrestoun, Robert Johnnestoun, servitor to the Earl of Marschell, and Johnne Mowat, servitor to the Laird of Leyis, have contravened the acts anent the wearing of hagbuts and pistollets by shooting "at all kynd of wyld fowle and hairis" with the said forbidden weapons. "And, howevir thay pretend that thair beiring of gwnis is onlie for thair recreatioun and pastyme, yit it is lyke aneuch that thairwith thay have thair awne privat revengeis conjoyned."—Pursuer appearing personally, and all the defenders, except Johnne Henry, Robert Johnnstoun in Auchquhillie, William King, servitor to the Laird of Glenbervie, Johnne Hill, and George Wischart, appearing, the Lords find that the said Alexander Tulloch, Johnne Grahame, David Arbuthnot, Johnne Moncur, and Williame Grahame have violated the law, and order them to find caution. They reserve the further declaration of their pleasure till another occasion, and order the absentee defenders to be denounced. Fol. 205, b. Fol. 206, a.

Robert Brebner presented to the Council and committed to ward.

This day appeared M^r William Reid, sheriff-depute of Kincairdin, and presented Robert Braibner, son of William Braibner, merchant in Fettircairne, conform to the decision of the Lords on 3rd February instant. The Lords commit him to the Tolbooth of Edinburgh (*ante*, p. 301).

Submission of the blood-feud between Adam Montgomery and Andrew Henderson, and reconciliation of the parties.

This day appeared Adame Montgomerie, merchant burgess of Edinburgh, for himself and his children and friends, on the one part, and Andro Hendirsoun, indweller in Edinburgh, for himself and his friends and "assistairis," on the other part, and submitted the feud now standing between them, because of the mutilation of the said Adame by the said Andro, and "uther bloodis." (For previous history of the case see *ante*, p. 301 and references there). The Lords, "being loath to weyrie the saidis pairteis with lang and unnecessar attendance," heard evidence this day, and find that the said Andro has committed a "verie foull, detestable, and unworthie insolence" by assaulting and wounding Montgomery in the hand, and order him to be banished the realm. He is to leave before 20th March next, and is not to return without licence. The Lords, understanding that the said Andro has no money to give to the said Adam for assythment, order him to constitute the latter

Decreta Nov. 1617-Nov. 1618. Fol. 207, a.

and his heirs his assignees to all his goods, debts, &c.; and they give power to the said Adam to intromit with the same. They also order Andrew to do homage upon his knees to the said Adame and his children, and to "remitt and dischairge all rancour, haitrent, and malice," and to forgive and Montgomerie, sons of the said Adame, for the assault committed by them. The said Adame has this day fulfilled the said behests of the Lords in their presence. "Lyke as, the said Adame and his saidis sones, to testifie thair christeane dispositioun toward the said Andro, and how fer thay wer frome seiking of ony advantage or inconvenient upoun him, thay not onlie forgaive the said Andro

Fol. 207, b.

the wrong foirsaid commitit be him aganis the said Adame, and in taikin thairof tooke him be the hand promeising to keip freindschip with him in tyme comeing," but likewise renounced and overgave the assignation made by him to them. The Lords assoilzie the said sons from the charge of having wounded the said Andro within Edinburgh on last.

Sederunts. Fol. 21, b.

"A missive to his Majestie anent the Conjunct Commissioun for the Middle Shyris" (given *ante*, p. 316). Missive to the King.

"M^r Heddesleyis patent for pulder, sulphur, and copris (?) exped" (*ante*, p. 306). Patent for gunpowder.

"The ordinance of the commissionaris anent weghtis and measouris presentit and delyverit to the Clerk of Register." Weights and measures.

"Ane act allowing viij^m li. to the Commissionaris for the Small Baronis attending the Plantatioun of the Kirkis, to be payit be the small baronis and frehaldaris halding . . of the King." Allowance of £8000 to the Commissioners for the Small Barons.

"The Lord Oliphant actit him self of new for the indempnitie of the Maister of Oliphant" (*ante*, p. 317). Lord Oliphant.

Decreta Nov. 1617-Nov. 1618. Fol. 207, b.

Sederunt—Chancellor; Treasurer; Bishop of St. Androis; Huntlie; Perth; Abircorne; Lotheane; Tullibardin; Viscount of Lawder; Scone; Binning; Carnegye; Lord Gordoun; Master of Elphinstoun; Privy Seal; Treasurer-Depute[1]; Justice Clerk; Advocate; Clerk of Register; Kilsyth; Bruntiland; Ridhouse; Medop; Curriehill; Sir George Erskin; M^r Petir Rollok; Conservator. Edinburgh, 24th February 1618.

Complaint by Williame Grinsoun of Carlile Castle, as follows:—In last, a horse was stolen furth of the bounds of Carlile. He sent a servant in search, and by his aid discovered it in the possession of Robert Hay in Pareis. Defender will not say from whom he received it, nor will he deliver it up to pursuer.—Both parties appearing, the Lords order defender to restore the horse, because the said Williame Grimsoun, "being directit be the saidis Lordis to go to the stable quhair the said horsse was within this burgh, and thair to see him," declared on his oath that the horse was his. William Grinson of Carlisle Castle against Robert Hay for recovery of a horse.

Fol. 208, a.

Complaint by James Symentoun, son of Johnne Symentoun of that Ilk, and Baxter, his "servitrice," as follows:—On 10th December James Symington against Mungo

[1] Omitted in *Book of Sederunts*.

Thomson and others for assault.

last, Mungo Thomesoun, cordiner in Craufurd Johnne, accompanied by Johnne Nubloche in Watersyde, James M^cKie there, Jonnet Affleck, mother-in-law of the said Mungo, and others, all armed, went by way of hamesuckin to pursuer's house in Birkcleuch, entered violently, and assaulted his said servant by wounding her on the head and ejecting her from the said house.—Pursuer appearing personally, and defenders not appearing, the Lords order defenders to be denounced rebels. Decreta Nov. 1617–Nov. 1618. Fol. 208, b.

Caption against Thomas Rutherfurd for debt to Walter Middlemass.

Complaint by Waltir Middilmest, son of William Middilmest of Lillislie Chappell, that Thomas Rutherfurd, younger of Huntlie, remains unrelaxed from a horning of 10th September 1616 for not paying 400 merks of principal and £40 of expenses.—Pursuer appearing by James Rycie, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 209, a.

24th February, 1618. Commission to Sir John Carnegie and the Magistrates of Forfar for the trial of a reputed witch.

Commission under the Signet, signed by the Chancellor, Mar, Huntlie, Sanct Androis, Pa: Bishop of Ros, and A. Drummond, is given to Sir Johne Carnegie of Athie, knight, and to the provost and bailies of the burgh of Forfar, to apprehend and try Jonnett Gardiner in the parish of Abirlemno, for many years suspected of witchcraft, sorcery, and "utheris divilishe practizes." Commissions. Fol. 44, a.

Edinburgh, 26th February. 1618.

Sederunt—Chancellor; Treasurer; Huntlie; Wyntoun; Perth; Tullibardin; Bishop of Ros; Binning; Cranstoun; Carnegy; Lord Gordoun; Lord Erskin; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop; M^r Petir Rollok; Sir George Erskine.[1] Decreta Sept. 1617–July 1620. Fol. 209, a.

Caption against Sir James Home for debt to Robert Trotter.

Complaint by Robert Trotter, merchant burgess of Edinburgh, that Sir James Home of Quhyterick, knight, remains unrelaxed from a horning of 15th January last for not paying £3257 of principal and £300 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 209, b.

John Sterling of Brakie against Alexander Lindsay for assault.

Complaint by Johnne Sterling of Brakye, as follows:—Alexander Lindsay, sometime of Vane, who has a causeless grudge against pursuer, lay, with some accomplices, in wait for him on the "hie way and passage" between the West Brig of Kirkaldy and the town of Kinghorne," whither pursuer was going "to have crossit the ferrie thair." They assaulted him with drawn swords, to the serious hurt of his back and arm. Pursuer escaped death by the speed of his horse.—Pursuer appearing personally, and defender not appearing, the Lords order defender to be denounced rebel. Fol. 210, a.

Caption

Complaint by Daniell Johnnstoun, burgess of Edinburgh, that Robert

[1] The *Book of Sederunts* omits *Cranstoun* and adds *Ridhous* and *Conservator*. The suspected of witchcraft, sorcery, and "utheris above may be an afternoon sederunt. devilishe practizes," and *Treasurer-Depute*,

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Irwing of Cowymylne remains unrelaxed from a horning of 5th February instant for not paying £1000 of principal and £100 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

against Robert Irving of Cowmilne for debt to Daniel Johnston.

Fol. 210, b.

Complaint by Andro M^cChortour, officer in Boirdland of Rainstoun, M^cCormok there, Issobell M^cClellane, relict of William Schorte, in Barleyrich, Edward Donaldsoun in , and Jonett M^cIlroy in Culteay, as follows: —Alexander Mortoun in Grenan has often lain in wait for pursuers in order to execute his private grudge against them. On Sunday 1610 he lay in wait for the said Andro as he was coming home from his parish kirk of Sorbie, and assaulted him with a

Fol. 211, a.

sword to his hurt in the hand and elsewhere. On June last, he repeated the offence by riding up to him and striking him with a "battoun." On 1610 defender went by way of hamesuckin to the house of the said M^cCormok in Bordland, and "brocht fyre with him of purpois to have set the house in fyre, incaice he could not have gottin the same oppynnit." After entering violently, he "stoggit the haill beddis" and searched for the said M^cCormok, intending to have slain her, had she not escaped in the darkness. On 1615 defender went up to the said Issobell, "who is ane auld, waik, and aiged woman past threscore yeiris, scho being hirding some nolt, pat violent hand in hir, tirved her naiked, kaist hir naiked in a burne, violentlie held hir in the said burne, and had not faillit to have murdreist and drownit hir thairin, wer not be the providence of God some cuntrey people being on the feildis skarrit him." On 1612, he went up to the said Edward Donaldsoun, then in the "oistler house" of , assaulted him with a drawn quhinyer, and struck him "throw the craig." On June last, he attacked the said Jonet M^cIlroy with a "rung."—Andro M^cChartour appearing for himself and the other pursuers by Richard Mosman, and defender not appearing, the Lords order defender to be denounced rebel.

Andrew MacChorter and others against Alexander Morton in Grenan for a series of assaults.

Fol. 211, b.

Complaint by Johnne Dumbar of Egirnes that he has been wrongously charged to enter his person in ward and remain there till he shall present Marjorie Urquhart, daughter of Thomas Urquhart of Burrisyairdis. Pursuer was not lawfully summoned; but, for obedience, he has brought her to Edinburgh, and now exhibits her, "to the effect the Lordis may undirstand be hir selff all that hes proceidit in this bussynes." [*ante* p. 276].—Both parties and the lady appear. The said Marjorie depones "that

Fol. 212, a.

thair wes no violence usit aganis hir, bot that scho past away with the said Johnne of hir awne proper motive and consent, and that scho wes mareit unto him be ane Heland minister in the kirk of Kinlose, in ane afternoone about foure of the cloike, the goodman of Culboyak and uther tua ministeris being present." The Lords order the lady "to be sequestrat with Sir William Levingstoun of Kilsyth, to remane with him quhill the nixt Counsaill day, to the effect in the meanetyme hir said father may have occasioun to meete and confer with hir."

In the case of John Dunbar of Egerness, charged with the abduction of Marjory Urquhart, daughter of Thomas Urquhart of Burrisyardis: deposition of the said Marjory on the subject.

Commission to Sir Rory Mac-Kenzie of Cogach and another for the trial of a Highlander, and his wife and daughter, for witchcraft.

Commission under the Signet, signed by the Chancellor, Mar, Huntlie, Tullibardin, Binning, Pa., Bishop of Ros, George Hay, Kilsyth, and A. Drummond, is given to Sir Rorye M^cKanyie of Cogache, and M^r Alexander M^cKanyie of Kynnok, "commissionar of Ros," to apprehend and try Johnne M^cKenneth M^cDonald Dow *alias* Gorme, Jonet Robsoun, his spouse, and Margaret M^cKenneth *alias* Gorme, their daughter, who are suspected of witchcraft and sorcery. Commissions. Fol. 44, b.

Patent for making saltpetre.

"The quhilk day a patent wes past to Sir Andro Gray for making of saltpeeter." Sederunts. Fol. 22, a.

Edinburgh, 3rd March 1618.

Sederunt—Chancellor; Treasurer; Perth; Lotheane; Tullibardin; Viscount of Lauder; Bishop of Ros; Binning; Cranstoun; Carnegy; Lord Gordoun; Lord Erskin; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Ridhouse; Medop; Bruntiland; Sir George Erskin; Currihill; M^r Petir Rollok; Marchinstoun; Sir Andro Ker. Decreta Nov. 1617–Nov. 1618. Fol. 212, a.

Suspension of horning against James Leckie, charged with assaulting John M'Robin.

Complaint by James Leckie, son of Alexander Leckie in , that he has been put to the horn wrongously, at the instance of Johnne M^cRobene, "stabuler" in Stirling, for not having appeared in answer to the charge of having assaulted him and broken his leg. Pursuer was not lawfully summoned; but, for obedience, he had found caution in £100 to appear this day.—Pursuer appearing, and defender not appearing, the Lords stay the process of horning. Fol. 212, b.

Robert Galbraith, merchant-burgess of Edinburgh, against Henry Beib for assault and robbery.

Complaint by Robert Galbraith, merchant burgess of Edinburgh, as follows:—"Laitlie, in the moneth of last bypast, he being, for the exercise of his trade of merchandice, bowne on his voyage towardis Flanderis, and the schip quhairin he sould haif past being in the road of Leith ready to mak saill, and upoun the day of the said moneth he haveing went to Leith agaitward on his said voyage, and haveing than for his awne use conduceit and hyrit ane boit to cary him aboard of the schip, and being enterit in the boit, he wes verie earnistlie desyrit and intreatit by Henry Beib, servitour to Sir William Balfour, to ressave him within the said boit for his transporte to the said schip. Quhairunto the said complenair verie willinglie yeildit." But the said Henry, "forgetting the favour foirsaid schawin unto him in the ressaveing of him within the said boit, first maid a verie grite trouble, tumult, and disordoure within the said boit, and, being verie modestlie desyrit be the said complenair to forbeare the committing of ony forder misreule within the said boit, he thairefter come behind the said complenairis bak within the said boit, and with a drawn swerd gaif him a deidlie stryke on his head, or euir he was war of him, cuttit his harne pane cloise throw,—quhairof he fell dead upoun the bodome or overloft of the said boit, and, being unable to stand, wes careyed and borne away, and lay of the same wound aucht oulkis bedfast, and thair wer abone nyneteene bones taikin out of his head. And at the Fol. 213, a.

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tyme foirsaid the said Henry Beib and utheris his assistairis maisterfullie reft and away tooke frome the said complenair abone fourty pundis worth of geir."—Both parties appearing, the Lords find that defender committed a "grite insolence" against pursuer, and order him to be taken back to the Tolbooth, to remain there at his own expense during their pleasure.

Fol. 213, b.

This day appeared Sir William Levingstoun of Kilsyth and presented Marjorie Urquhart, daughter of Thomas Urquhart of Burdisyairdis (*ante*, p. 321). Johnne Dumbar of Egirnes, who was present, "being demandit gif he wes mareit with the said Marjorie, and quhair, and be whome," declared that "thay wer mareit in the kirk of Kinlosse be one M^r^ Alexander M^c^Ilfersane, minister, in the foirnoone." The Lords, "finding some contrarietie in the depositionis of the saidis Johnne Dumbar and Marjorie Urquhart, the one affermeing the mariage to have bene in the foirnoone, and the uther to have bene in the efternoone, quhairby thair is some presumptionis that the saidis personis are not yit mareyit," order the said Marjorie to be delivered to her father, to remain with him till 24th instant, on which day he is to exhibit her. Further, they order the said Johnne Dumbar to produce on that day a testimonial of the marriage, under the hand of the said M^r^ Alexander M^c^Ilfersane and such others as were present.

More in the case of Dunbar of Egerness and his alleged abduction of Marjory Urquhart: case adjourned for production of evidence of their alleged marriage.

Fol. 214, a.

Commissions. Fol. 45, a.

Licence under the Signet, signed by the Chancellor, Mar, Binning, and Kilsyth, to Alexander Irwing of Auldquhat,—who, "haveing past some few yeiris of his youth in travell within the kingdome of France for atteyning to the knawledge of virtew and letteris, and comeing laitlie home to visite his freindis, is myndit to go bak to follow out his studeis, to the effect he may attene to some forder perfectioun in learning,"—to go abroad for three years without skaith to person or property, provided he behave as a dutiful subject.

Licence to Alexander Irving of Auldquhat to go abroad again for continuation of his studies in France.

Fol. 45, b.

Commission under the Signet, signed by the Chancellor, Mar, Binning, Carnegye, Kilsyth, and Cokburn, is given to George, Lord Gordoun, to apprehend and try all persons suspected of murder, theft, and reset of theft within the lordship of Badyenoche and Lochquhaber.

Commission of justiciary in Badenoch and Lochaber to Lord Gordon.

Sederunts. Fol. 22, a.

"Ane missive to the Deputie of Yrland in favouris of Williame Pringle."

Missive to the Deputy of Ireland.

Acta Sept. 1617-July 1620. Fol. 133, b.

Sederunt—Chancellor; Treasurer; Bishop of Glasgow; Lotheane; Roxburgh; Bishop of Ros; Binning; Carnegye; Lord Gordoun; Lord Erskine; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsythe; Medop; Bruntiland; Ridhouse; Curriehill; Marchinstoun; M^r^ Petir Rollok; Sir George Erskin; Sir Andro Ker.

Edinburgh, 5th March 1618.

"Forsamekle as, the Lordis of Secrite Counsaill haveing advisit [and con]sidderit the grite hurte and prejudice quhilk this cuntrey hes sus[tenit] thir divers yeiris bigane by the extraordinair pryceis tane

Proclamation for enforcing the Acts against raising

the price of English beer above £6 the barrel wholesale and 18d. the pint retail.

uni[versalie] throughout all the pairtis of the cuntrey for Inglische beir,[1] Acta Sept. 1617–July 1620. quhilk . . uncontrolled custome had saile amongis the leigeis at a doub[le] . . and price of the proper drink of the cuntrey; and whereas Fol. 134, a. it is against the policie of all weele governit commonwelthis that ony forayne commoditye sould have saile in this cuntrey at a double price of the native commoditeis quhair thair is sufficiencie of the native commoditeis of that same kynd [within] the cuntrey, especiallie that ane boll of Inglische malt and Inglische waltir sould gif the double price of a boll of Scottis malt and Scottis waltir, thair being als grite strenth and substance in the one as the other; and considering thairwithall that the gritest saile of Englische beir wes amangis poore artisanis and otheris of the meaner sorte, who, oute of a gredie appetyte and love of drink, waistis thair haill goodis thairupoun, to the impoverischeing of thame and thair fameleis: thairfoir the saidis Lordis, upoun mature advise and deliberatioun, sett doun verie moderat and reasounable pryceis upoun the Inglische beir that sould be brocht hame and sauld within this kingdome, viz. the sowme of sax pundis upoun the bune of beir and auchtene pennyis upoun the pynte of beir, and by divers proclamationis maid and publeist heirtofore all the subjectis of this kingdome wer commandit to conforme thame selffis in selling of Englische beir to the pryceis set doun in the saidis proclamationis and on nawyse to exceid the saidis priceis, undir certane panes mentionat and contenit in the saidis actis and proclamationis, as the same at lenth is contenit [*ante*, vol. X. p. 207]: Notwithstanding quhairof, it is of treuth that divers personis of the kingdome, preferring thair awne privat gayne and commoditie to his Majesteis obedience and observatioun of the law and to the commounweele, ceasis not to hight and raise, to altir and chainge, the pryceis of Inglische beir at thair pleasoure, exacting frome the simple people the double of the price set doun in the saidis actis, heighlie to his Majesteis contempt, misregaird of his Majesteis auctoritie, and to the hurte and prejudice of the commounweele. And, whereas the bypast ovirsight and connivance gevin to personis offending in this caise hes encourageit and encourageis thame to continew in thair wilful contempt and brek of law, and to foister and interteny the abuse of hichting and changeing of the pryceis of beir at thair pleasour; and seeing no meanis nor way is so powerfull to reteene people undir the obedience of the law as the preceis and seveir executioun of the law agains offendouris: Thairfore the saidis Lordis ordanis letteris to be direct chairgeing officeris of armes to pas to the mercat croceis of the heade burrowis of this realme and utheris placeis neidfull, and thair to mak new publicatioun of the saidis actis, and to command, chairge, and inhibite all and sindrie merchantis and utheris hamebringairis of Englische beir that nane of thame presoome nor tak upoun hand to sell ony of the said beir at a heicher raite and price nor sax pundis the bwne, to the effect the ventenair may sell the same for auchtene pennyis the pynte, undir the pane of twenty pundis to be incurrit be thame for everie

[1] *Cf.* Weldon's satirical account in Nichols, vol. iii.

Acta Sept. 1617-July 1620. Fol. 134, b.

bwne that thay sall sell at a heicher pryce and raite nor sax pundis; and siklyke to command, chairge, and inhibite all and sindrie tapstaris and ventenairis of beir that nane of thame presoome to sell ony beir darrer nor auchtene pennyis the pynte, undir the panes following contenit in the formair proclamatioun,—that is to say, undir the pane of ten pundis and wairding the contravenairis the space of fyftene dayis for the first fault, the double of the said sowme and warding the contravenairis the space of ane moneth for the secund fault, and for the third falt that the contravenairis sall forfeyte the libertie, fredome, and previledge within that burgh and toun quhair thay haif thair residence and handling; chairgeing alsua all magistratis to burgh and land to have a speciall cair and regaird to see this present act and proclamatioun to be preceislie observed and keipit within thair boundis, as thay will ansuer upoun the dewtie of thair officeis."

Act in favour of the magistrates of Linlithgow for the pains they have taken in preparing and producing standard specimens of the firlot, half-firlot, and other measures.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Andro Mylne, provest, Andro Bell and James Glen, bailleis, of the burgh of Linlythqw, and, for obedience and satisfactioun of the act and ordinance maid and set doun be the commissionaris nominat be the laite Parliament for reduceing of the haill mettis and measouris of this kingdome to one conformitie, and conforme to ane missive letter directit and send unto the saidis provest and bailleis frome the Lordis of Secreit Counsaill, broght, produceit, and exhibite before the saidis Lordis tua standartis of the auld firlott, callit the streck mett, with the standartis of the peck, half peck, fourte pairte, and half fourte pairt peck effeiring thairto, the said grite firlote contening threttie ane pyntis, and the standart of the said auld firlott contening twentie ane pyntis and ane mutchkeene. Quhilkis severall peeceis of worke, being tuelff in nomber, wer all sene and considerit be the saidis Lordis; and directioun wes gevin be thame [to] the Deputie Thesaurair to send and caus be send to the Castell [of] Edinburgh ane of the saidis standartis for the new firlott [and ane] uther for the auld firlote, with the peckis, half peckis, fourte pairte, and half fourte pairte peckis effeiring thairto, and to send [and] caus be send to the Castell of Dunbertane ane standart for the new firlote, and ane other standarte for the auld firlote, with [the] peckis, half peckis, fourte pairte, and half fourte pairte peckis [effeir]ing thairto, to the effect the saidis standartis may remane in [the saidis] castellis as warrandis for the firlottis, peckis, and halffis in all [tyme] comeing. And the saidis Lordis findis and declairis that the pro[vest] and bailleis of Linlithqw hes done thair dewtie in the premisis, [and] exoneris thame thairof be thir presentis. And ordanis his Majesteis Thesaurair and Depute Thesaurair and
Fol. 135, a. ressavearis of his Majesteis [rentis] to mak payment to the said provest and bailleis of the sowme of . , hundreth pundis as for the price of the saidis standartis and for the chairge and expensis of bringing of thame to this burgh. Anent the payment quhairof the extract of this act, with the acquittance of the pairtie, salbe unto the said Thesaurair, Depute Thesaurair, and ressavearis ane sufficient warrand."

[Sederunt as recorded above.] Decreta Nov. 1617–Nov. 1618.

Edinburgh, 5th March 1618. Caption against Fraser, younger of Philorth, and Crawford of Whitehill, for debt to Con of Auchrie and Innes of Elrick.

Complaint by Patrik Con of Auchrie and James Innes of Elrik, assignees, that Alexander Fraser, apparent of Phillorth, and Hew Craufurd of Quhythill remain unrelaxed from a horning of 8th February 1617 for not paying £2000 of principal, £20 of expenses, and £5 of "consignit siluer."—Pursuers appearing by David Ramsay, and the said Alexander Fraser not appearing, the Lords give order to the Captain of the Guard to apprehend the said Alexander, seize his houses, and inventory his goods for the King's use. Fol. 214, a. Fol. 214, b.

Caption against MacCulloch of Mortoun and his wife and son for non-fulfilment of contract.

Complaint by William Maxwell, son of Patrik Maxwell of Newark, that Williame M^{c}Culloch of Mertoun, Marjorie M^{c}Culloch, his spouse, and Alexander M^{c}Culloch, their eldest son, remain unrelaxed from a horning of 5th June last for not observing a contract, so far as it concerned the sum of 2710 merks 7s. 4d. appointed to be paid to Margaret Litle and Johnne Ogilbie, together with expenses for recovery of the same and the annualrent of the money.—Pursuer appearing by David Ramsay, and defenders not appearing, the Lords give order as above. Fol. 215, a.

Captions against Anthony Trotter and others for non-payment of customs due on export of cattle and goods to England.

Complaint by the late Tacksmen of the Customs that the following persons remain unrelaxed from hornings of 26th and 30th November last for not paying to Andro Hoig in Cralinghall, their depute, the custom of the following goods: viz. Symone Glendoning, flesher in Kelso, and Robert Scott, merchant there, for 72 "nolt," 140 lambs, 3 packs of skins, and 1 "daiker" of hides, transported into England; Robert Douglas of Bank for 7 "nolt" sent out of Scotland; Adam Neisbitt in Upsitlingtoun for 100 "nolt" sent into England; Anthone Trotter in Upsetlingtoun, for 92 "nolt" sent into England; James Neisbit in Blakdykis, for 15 "nolt" sent into England; and Robert Gemmill in Duns, for 15 "nolt" sent into England.—Pursuers appearing by Andro Swanstoun, and defenders not appearing, the Lords give order as above. Fol. 215, b.

Summons to the Commissioners for the Small Barons.

"The quhilk day missives wer writtin to the Commissionaris for the Small Baronis to be heir upoun the 22 day of Aprile to resolve upoun the meanis how the Commissionaris for the Small Baronis attending the Plantatioun of the Kirkis salbe satisfeit for thair expensis." Sederunts. Fol. 22, b.

Edinburgh, 10th March 1618.

Sederunt—Chancellor; Treasurer; Tullibardin; Lawdirdaill; Cranstoun; Binning; Carnegye; Bishop of Ros; Lord Erskine; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Ridhouse; Medop; Curriehill; Marchinstoun; M^{r} Petir Rollok; Sir Andro Ker; Conservator. Acta Sept. 1617–July 1620. Fol. 135, a.

Deposition by James Wemyss of Caskiberrian as to what he had heard,

"The quhilk day, James Weymes of Caskyberriane compeirand personalie before the Lordis of Secrite Counsaill, conforme to the missive letter writtin and directit to him for that effect, and he being demandit gif at ony tyme it wes reportit unto him that Coline Bruce sould have

Acta Sept. 1617–July 1620.

delt with a M^cGregour being a prisonner in the Tolbuith of Edinburgh for the tyme to have undirtane the slaying of the Lord of Scone, the said James deponit upoun his grite aith that George Skadnye, suster sone to the Laird of Auchmowtie, shew unto the said James, some aucht yeiris syne or thairby, that, he being in the Tolbuith of Edinburgh, he hard some speeche and conferrence betuix the said Coline Bruce and a M^cGregour who wes prisonner in the Tolbuith, to this end,—that Coline sould provide a sufficient and responsall cautionair for the M^cGregour and by that meanes sould get him releved of his waird, conditionalie that the M^cGregour wald promeis and undirtak to slay the Lord of Scone quhen he wes releved. And the said James declairit that, quhen this mater wes reveilled unto him, he finding it a mater of estate tuitcheing a nobleman and counsallour in his lyff, he with all convenient diligence acquentit the Lord of Scone thairwith, adviseing him to put the same to ane tryall, and not to lat it ly over; for, gif he delayed the tryall of it, the said James wald not be more ansuerable to furnishe him a debtoure."

about eight years ago, respecting a conspiracy for the murder of Lord Scone between Colin Bruce and a Macgregor then in the Tolbooth of Edinburgh.

Decreta Nov. 1617–Nov. 1618. Fol. 216, a.

[Sederunt as recorded above.]

Edinburgh, 10th March 1618.

Complaint by Johnne Scott in Newark, "mailler and tennent of the threttie thrie schilling foure pennyland of Foulscheillis, lyand within the lordschip of Liddisdaill," as follows:—Will Ellot, called "of Hairtisgarth," Will Ellot, called "of Prikenhauch," Will Ellot, called "of the Park," Robert Ellot of Reidheuch, Archibald Ellot of Langhauch, Quyntene Niksoun, called "the Doo," servitor to the said Will Ellot of Hartisgarth, "being weyreit of the present peace and quietnes quhairwith it hes pleasit God to blisse this cuntrey undir his Majesteis most happie and princelie governament, and resolveing in contempt and disdane of his Majestie to renew the insolenceis and disordouris quhilkis of laite yeiris wer too frequent and commoun in these boundis," recently gathered together some friends, to the number of a hundred, "all of the disordourit clannis of the laite Marcheis, and some of thame being fugitive and outlawis for capitable crymes," and went with a number of horses and "sleddis," about the "dawing of the day," to that part of pursuer's lands called Netherfeildis, and searched for his tenants, "whome thay thocht to have found lying sleiping in thair beddis," in order to murder them. Disappointed of their victims, who happened to be absent for the time, they "protestit and swoore that, gif ever ony personis in the said complenaris name or to his behoof sould posses or laboure thay landis, that thay sould not onlie have thair lyveis, bot that thay sould burne, distroy, and slay quhatevir thay had upoun the ground." They then took away 12 "dargis" of hay "woone" for winter fodder, so as to make it impossible for pursuer to keep any "goodis" this winter, or to "laboure" or manure
Fol. 216, b. the ground this approaching spring. When they saw that pursuer and his tenants still kept possession, they returned with arms and searched for them. They did not find them, but "forgadderit with"

John Scott in Newark against Robert Elliot of Reidheuch and others for riot, violence, assault, and disturbance of the peace in the Borders.

servitor to Wat Diksoun, pursuer's subtenant. They bound him hand and foot, kept him prisoner for some time, and thereafter seriously bruised and hurt him in all parts of his body by blows from "battonis and stingis." — Pursuer appearing personally, and defenders not appearing, the Lords order defenders to be denounced rebels. Decreta Nov. 1617–Nov. 1618.

Edinburgh, 12th March 1618.

Sederunt—Chancellor; Treasurer; Wyntoun; Lotheane; Tullibardin; Laudirdaill; Bishop of Ros; Lord Erskine; Binning; Carnegye; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop; Ridhous; Curriehill; M^r^ Petir Rollok; Marchinstoun; Sir Andro Ker; Conservator. Acta Sept. 1617–July 1620. Fol. 135, a.

Proclamation prohibiting the Scottish lieges from fishing within sight of the Isle of Faroe, and so injuring the inhabitants of that Isle, subjects of the King of Denmark.

"Forsamekle as, his Majestie . . . . . haveing . . . . . grevis presentit unto him be his subjectis of the ile of Fara, tuitcheing the oppressioun alledgeit . . . upoun tham [be the] subjectis of this kingdome by fischeing within thair [watteris], spoyling thame of the benefite of thair fischeing, and dishabiling thame thairby to pay to his Majesteis said darrest bruther thair . . . and dewties, his Majestie thairupoun gaif directioun to try and examine this mater gif the informatioun maid thairanent wes certane and trew. Quhairupoun, the commissionaris frome the speciall burrowis and townis quhome this mater concernis being brocht heir to thair ansuer, and demandit anent thair fischeing in the saidis watteris, thay have grantit and confest that some nichtbouris of thair townes hes hanted the said fischeing of Fara thir divers yeiris bigane, pretending reasonis for thame quhilkis, with the tendir respect of that good correspondence quhilk his Majestie doeth holde with his said darrest bruther, can not be admited nor allowed, and can be no warrand unto thame to fische in the saidis watteris without some oversicht and allowance. And, his Majestie being cairfull to keepe and interteny all princelie dewteis of correspondence with his said darrest bruther, and to remove all just complainte of greif and wrong to be commitit upoun his people be ony of his Majesteis subjectis heirefter, for this effect his Majestie, with advise of the Lordis of Secrite Counsaill, ordanis letteris to be direct to command, chairge, and inhibite all and sindrie his Majesteis leigeis and subjectis of this kingdome be oppin proclamatioun at all placeis neidfull that nane of thame presoome nor tak upoun hand at ony tyme heirefter to fische within sight of the land of the Ile of Fara, but to reserve the . . . to the inhabitantis of the said [ile] and to otheris his Majesteis said darrest brutheris subjectis, conforme to the law of nationis, under the pane of confiscatioun of the schippis, veschellis, and guidis of the personis contravenaris, and forder punischeing of thame at the arbitrament of his Majesteis Counsaill; certifeing thame that sall failyie and do in the contrair that the said pane and punischement salbe inflictit upoun thame withoute favoure" [*see* pp. 329-330]. Fol. 135, b.

Decreta Nov. 1617-Nov. 1618.

[Sederunt as recorded above.]

Edinburgh, 12th March 1618.

Fol. 217, a. Complaint by the King's Advocate that George Banerman, portioner of Asleid, has worn hagbuts and pistollets from January 1615 to June 1617. —Pursuer appearing, and defender not appearing, the Lords order defender to be denounced rebel.

Lord Advocate against George Bannerman for wearing firearms.

Complaint by Johnne Speir, indweller in Stranrawer, as follows:— About 12 o'clock the night of Sunday, 15th August last, Uchtred M^cDowell, bailie of the said town, went by way of hamesuckin to pursuer's house, where he and his family were in bed, entered violently, "tooke him furth of his naiked bed," maltreated him with his hands and feet, and thereafter Fol. 217. b. carried him "naiked" to the tolbooth, where he kept him in the stocks for 24 hours. On 20th August defender again apprehended pursuer, and kept him in the tolbooth for 12 hours.—Pursuer appearing personally, and defender not appearing, the Lords give order as above.

Johnne Speir in Stranraer against Uchtred MacDowall for assault and illegal apprehension.

Complaint by M^r James Raith, servitor to Alexander, Earl of Dunfermlyne, and assignee of David Lindsay, sometime jailer of the Tolbooth of Edinburgh, that David Lindsay of Kynnetlis remains unrelaxed from a horning of 16th December 1617 for not paying the said David £100 of Fol. 218, a. principal and £20 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against David Lindsay of Kinnettles for debt to Mr. James Keith.

Complaint by Robert Brown, servitor to Roger Duncanesoun, merchant burgess of Edinburgh, as follows:—Johnne Gray, messenger in Edinburgh, having alleged that pursuer had "schote some poulder in his face oute of ane hagbute or muscat" in May last and had hurt him, obtained a warrant from the Lords on 9th March instant ordering pursuer's appear- Fol. 218, b. ance on 19th instant. "Gif ony wrang wes done be the said complener to the said Johnne Gray in the fyreing of his face at the tyme foirsaid, the same wes most negligentlie done be him to the said Johnne Gray, the said complenair not seing, knawing, nor persaveing the said Johnne to have bene besyd him the tyme foirsaid. And, the said Johnne Gray knawing the said complenairis innocence in this mater, and undirstanding that he is now presentlie to go to the sea in his Majesteis service, he hes causit execute the said pretendit chairge aganis the said complenair to the day foirsaid; whereas he micht have causit execute the same aganis him other to the tent or twelf of this instant."—Both parties and the Lord Advocate appearing, the Lords find the assault proven, and order Robert Broun to pay £50 to Johnne Gray within 8 days.

Robert Brown fined for shooting some powder in the face of John Gray.

This day appeared the foresaid Roger Duncanesoun, merchant burgess of Edinburgh, and became caution for the foresaid Robert Broun that he shall pay the foresaid fine of £50.

Caution for the said Robert Brown.

Sederunts. Fol. 22, b. "The quhilk day, Thomas Cunynghame, commissioner for the burgh of Cairaill, Johnne Clapene, commissioner for the burgh of Anstruther, Johnne Kers, commissioner for Pittinweyme, and James Younger, com-

Representation by commissioners for the burghs of

Crail, Anstruther, Pittenweem, Musselburgh, and Fisherrow, that the cause of the resort of Scottish fishermen to the Isle of Faroe for fishing is that the Dutch fishermen come in such numbers to the coasts of Orkney and Shetland as to drive them off from these Scottish fishing-grounds, and compel them to fish anywhere in the north seas. Council find this no excuse for intruding on the fishing-grounds of the subjects of the King of Denmark, but request his Majesty to remonstrate with the Estates of Holland against the intrusion of Dutch fishermen into Scottish waters.

missioner for Mussilburgh and Fisherraw, compeirand personalie befoir the Lordis of Secreit Counsaill, conforme to the missive letteris direct to thair townis for that effect, and thay being demandit yf thay or the nychtbowris of thair townis wer in use to fishe about the ile of Fara pertening to the King of Denmark, thay grantit that the nyghtbouris of thair toun[is] hanted the said fisheing, and that thay wer drevin thairto upoun necessi[ti]e and by the violence and oppressioun of the Hollandaris, who comes yeirlie with ij^{m} saile and aboue within his Majesteis watteris and within a myle of the continent of Orknay and Yetland, and, thay not contented with the benefite that the libertie of thair fisheing within the saidis boundis affordis yeirlie unto thame, thay do verie havelie oppres his Majesteis poore subjectis and fisheairis, stoppis thame, houndis and chaisis thame frome thair fischeing, cuttis thair nettis, threatnis thair lyveis, and thairby compellis thame, who ar a nomber of poore people haveing no other trade quhairby to manteene thair families, to seeke thair fischeing elsquhair and far frome thair awne coist, with grite tormoyll, travell, trouble, and chargeis. The Lordis haveing hard the declaratioun maid be the saidis personis, and finding that the oppressioun committit be the Hollandaris upoun thame is no warrand for thame to oppres the subjectis of otheris princes in this kynd, and that thay aucht not to have fished in the saidis watters without some licence and oversight, thairfoir the saidis Lordis discharges thame fra all forder fisheing within the saidis watters, and ordanis ane proclamatioun to be past to this effect [*ante*, p. 328], upoun the pane of foirfeytour of the ships and goodis, and forder punishment of the contravenaris at the arbitriment of the Counsaill. And the saidis Lordis ordanis alsua ane letter to be writtin to his Majestie acquenting his Majestie with the oppressioun committit upoun his poore subjectis be the Hollandaris, and humelie intreating his Majestie to recommend that mater to his ambassadour resident with the Esteatis, willing him to sollicite that bussynes with the Esteatis and to urge reparatioun thairof and instant prohibitioun to be gevin be the Esteatis to thair people, that thay fishe not within sight of his Majesteis land, bot reserve these boundis to his Majesteis awne subjectis, conforme to the law of nationis." Sederunts. Fol. 23, a.

Edinburgh, 17th March 1618.

Sederunt — Chancellor; Treasurer; Tullibardin; Cranstoun; Binning; Carnegye; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop; Ridhouse; Curriehill; Sir George Erskine; M^{r} Petir Rollok; Marchinstoun; Sir Andro Ker. Decreta Nov. 1617–Nov. 1618. Fol. 219, a.

Caption against Galbraith of Culcreuch for debt to John Boill of Kilburne.

Complaint by Johnne Boill of Kilburne that Robert Galbraith of Culcreuch remains unrelaxed from a horning of 22nd December last for not relieving pursuer, as cautioner for him at the hands of Sir Robert Henrysoun of Kiniegask (Finnegask?), knight, "coronell over the Scottis regiment in the cuntrey of Flanderis," in 2000 merks of principal and 400 merks of

Decreta Nov. 1617–Nov. 1618.

expenses, together with 240 merks of annualrent for the said sums.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Fol. 219, b.

The Lord Advocate against two sailors for illegal import of tobacco.

Complaint by the King's Advocate that Robert Young, mariner in Dysert, has inbrought 4 stone weight of tobacco, and Thomas Cundeit, mariner there, 3 stone weight, and that they have sold the same at 16s. the ounce, thereby contravening the proclamation anent the importation and sale of tobacco.—Pursuer appearing personally, and defenders not appearing, the Lords find the charges proven, and order defenders to pay over the price of the said tobacco. Defenders had been personally summoned on 9th instant to appear by William Symsoun, messenger.

Isles. Page 236.

Sir Donald Macdonald of Sleat and Sir Rory Mac-Leod of Dunveggan.

"The Lordis of Secreit Counsaill, upoun some speciall considerationis moving thame, continewis the compeirance of Sir Donald M^{c}Donald M^{c}Donald of Slaitt and Sir Rory M^{c}Cleude of Dunveggane befoir thame, quhilk sould be upoun the tent day of Julij nixtocome, untill the tent day of Julij in the yeir of God j^{m} vj^{c} and nynetene yeiris, except that upoun some interveining occasioun thay be writtin for or chairgeit."

Decreta Nov. 1617–Nov. 1618. Fol. 220, a.

Edinburgh, 19th March 1618.

Sederunt—Chancellor; Treasurer; Tullibardin; Roxburgh; Lauderdaill; Binning; Carnegye; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Ridhouse; Medop; Curriehill; Marchinstoun; M^{r} Petir Rollok; Sir Andro Ker; Conservator.

George Frissell in Stranraer against John M'Calmonth for assault.

Complaint by George Frissell, "snapmaker," indweller in Stranrawer, as follows:—Johnne M^{c}Calmond in the milltown of Kirkcum gave pursuer a hagbut "to repair and mend in the snapwork thairof." Having repaired

Fol. 220, b.

the gun, he with his wife set out on 19th January last for the town of Innermessen, in order to deliver it to the said Johnne, who was there for the time. The said Johnne, and Gilbert M^{c}Calmond, younger, in the Lossit, met him and his wife on the highway, and "preist be force and violence to bereve the said complainer of the said hagbute"; and, because pursuer would not give it up without payment, they drew their swords and assaulted them, to the special hurt of his spouse, who was severely wounded on the elbow of her left arm, and deprived of two fingers of her right hand.—Pursuers appearing personally, and the said Gilbert not appearing, the Lords order the said Gilbert to be denounced rebel.

Fol. 221, a.

Caption against George Muirhead and John Lawder for non-removal from certain lands and houses.

Complaint by Alexander Lyntoun, servitor to Alexander, Master of Elphinstoun, that George Murehead of Litletoun and Johnne Lawder there remain unrelaxed from a horning of 26th January last for not removing, with their families, servants, &c., from "that pairt of the thrie merk land of Litletoun with the housis and biggingis thairof possest and occupyit be thame *respective*."—Pursuer appearing personally, and defenders not appearing, the Lords give order to the Captain of the

Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Decreta Nov. 1617–Nov. 1618.

The magistrates of Peebles against William Gibson and William Scott for breaking into the prison of the burgh and releasing a prisoner.

Complaint by the provost and bailies of Peblis, as follows:—On February last, Johnne Govane in Peblis assaulted William Porteous there, and was accordingly ordered to go to ward by Chairlis Pringle, bailie. Fol. 221, b. He not only refused to obey, but struck the said bailie "and persewit him of his lyff." For this he was arrested by the "nichtbouris of the said burgh," and "taken to waird aganis his will." All day he "causit deale and travell with suche freindis as he had in the said burgh to brek the tolbuith dure, and to tak him oute." By his persuasioun, William Gibsoun in Cailzie, and William Scott, servitor to Patirsoun of Langcoitt, "being personis of the said Johnne his humoure and dispositioun," went at night to the tolbooth, broke the doors, and relieved the said prisoner.—Pursuers appearing personally, and the said William Gibsoun and William Scot not appearing, the Lords order them to be denounced rebels.

Liberation of Henry Beib, prisoner in the Tolbooth of Edinburgh for assault on Robert Galbraith.

Petition by Henrie Beib, who has been detained in ward in the Tolbooth of Edinburgh for four months for his alleged hurting of Robert Galbraith [*ante*, p. 322].—Petitioner has offered satisfaction to the said Robert and to the surgeon attending him; but, as both refuse to accept the same, he is in danger of starving, if he be not speedily liberated.—Parties appearing, the Lords, understanding that petitioner is "ane poore boy" with no means to meet his expenses in prison, order the Magistrates of Edinburgh to liberate him, on his own caution in 1000 merks to leave the kingdom within 15 days, "wind and wether serving," not to return till he has satisfied the said Robert, and to keep the King's peace and wear no armour as long as he remains in the country. Fol. 222, a.

The Lord Advocate against a number of persons for illegal carrying of firearms.

Fines. Fol. 36, b.

Complaint by the King's Advocate that James and William Scott, sons of the goodman of Aikwood, Andro Scott, son of William Scott in Bowhill, Johne Dickiesone, sometime of Ormestoun, Johne , weaver at Braidwodend, Thomas Caldwellis in Newburgh, Andro Ker, brother of the goodman of Quhytemure, William Langlandis in Haning, James Dodis in Catslak, Andro Ker in Sunderland, William Donaldsone in Selkirk, William Michelhill there, Adame Scot, called of Burnehead, there, Thomas Ker, writer there, James Layng, writer there, Adame and Walter Dalgleische, sons of Johne Dalgleische of Dowchair, Johne Fischer, son of Mitchell Fischer in Darnick, Robert Ormestoun of Auld Melros, Robert Ker, brother of the Laird of Schaw, Thomas Lawder, brother of the goodman of Quhyteslaid, and Johne Home in Lauder, have, during the past 12 months, carried hagbuts and pistollets under pretence of shooting hares and wildfowl.—Pursuer appearing personally, and William Langlandis, William Donaldsone, William Michelhill, Adame Fol. 37, a. Scott, Thomas Ker, Johnne Dickesone, James Layng, Johnne Thomesone, and Adame Dalgleisch appearing personally, and Johnne Fischer by Mitchell Fischer in Fadounsyd, his father, and the remaining defenders who had been cited, viz. Andro Ker, Andro Scott, James Scott, William Scott,

Fines. Andro Ker in Southerland, and James Doddis, not appearing, the Lords find that William Langlandis, Johnne Dickesone, James Layng, Adame Dalgleische, and Johne Fischer have contravened the Acts of Parliament, and order the said Johne Dickesone, Adame Dalgleische, and Johne Fischer to pay a fine of £10 each, and that William Langlandis and James Layng, who are poor men and who cannot find caution, act themselves not to carry the said weapons again, under pain of banishment, and, if they return, of having their right hands taken off. The Lords order the other appearing defenders to find caution not to carry or shoot hagbuts
Fol. 37, b. and pistollets under the pain of £500 each; they assoilzie William Donaldsone, William Michelhill, Adame Scott, Thomas Ker, and Johne Thomsone, because they have denied the charge on oath; and they order Andro Ker, brother to the Goodman of Quhytmure, Andro Scott, son of William Scott of Bowhill, James Scott, brother of Andro Scott of Aikwood, William Scott, his natural brother, Robert Ker in Sunderland, and James Doddis in Catslak, to be denounced rebels.

Cautions in conformity with the foregoing decision. The following persons appear and act themselves in terms of the foregoing decision: William Donaldsone, burgess of Selkirk, and Johne Thomesone, weaver at Braidwoodend, as his cautioner; William Michelhill, burgess of Selkirk, and James Mitchelhill, burgess there, as his cautioner; Adame Scott, called of Burneheid, and Johne Dickesone, sometime of Ormestoun, as his cautioner; the said Johne Dickesone, and the said Adame Scott, as his cautioner; the said Johne Thomesone, and
Fol. 38, a. the said Williame Donaldsone as his cautioner; Adame Dalgleisch, son of Johnne Dalgleisch of Ducharis, and Johne Dalgleisch as his cautioner; and Michell Fischer of Faldounsyd, as cautioner for his son Johne Fischer.

Ditto. The foresaid William Langlandis in Hayning, and James Layng, wright in Selkirk, also acted themselves in accordance with the decision.

Commissions. Fol. 46, a. Commission to the Sheriff of Forfar for the trial of Arthur Gourlay and his wife. Commission under the Signet, signed by the Chancellor, Mar, Binning, George Hay, and Kilsyth, is given to the sheriff of Forfer and his deputes to try Arthour Gourlay, vagabond, and Neving, his spouse, who were apprehended on instant for the slaughter of Patrik Murray in upon the lands of within the sheriffdom of Forfer.

Sederunts. Fol. 23, b. Stipends of ministers in Orkney and Shetland. "Ane act anent the payment of the ministeris stipendis of Orknay and Yetland, ordaning the stipend of the preceiding yeiris to be payed yeirlie at the Witsonday in the nixt ensewing yeir."

Decreta Nov. 1617–Nov. 1618. Fol. 222, a. Edinburgh, 24th March 1618. *Sederunt*—Chancellor; Lotheane; Tullibardin; Binning; Carnegie; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Medop; Ridhouse; Curriehill; Sir George Erskine; M^r^ Petir Rollok; Marchinstoun; Sir Andro Ker; Conservator.

Suspension of horning against Mungo Complaint by Mungo Thomesoun, cordiner in Craufurd Johnne, Johnne Nubloch in Wattersyd, James M^c^Kie there, and Jonett Fleck, mother-in-

Thomson and others for assault on James Symington.

law of the said Mungo, that they have been wrongously put to the horn for not appearing to answer to an alleged assault on James Symington and his servant [*ante*, p. 319]. They plead that, several copies of the charge having named 26th February as the day fixed for their appearance they had accordingly repaired to Edinburgh on that day, but the foresaid James Symentoun and his servant, wishing to disappoint them, had entered the 24th February on the principal letters; and they also plead that, for obedience, each of them had found caution in £100 to appear this day.—Pursuers appearing personally, and the said James Symentoun appearing for himself and Jonet Baxter, his servant, the Lords, with consent of the said James, suspend the process. Decreta Nov. 1617–Nov. 1618. Fol. 222, b.

Commission to the Earl of Moray of justiciary within the shires of Elgin, Forres, Nairn, and Invernes.

Commission under the Signet, signed by the Chancellor, Lotheane, Binning, and the Master of Elphinstoun, is given to James, Earl of Murray, to apprehend and try all persons suspected of murder, theft, and reset of theft within his bounds in the sheriffdoms of Elgin, Forres, Narne, and Innernes. The Commissioner is to have the half of the escheats; and the Commission is to last for one year. Commissions. Fol. 46, a.

Commission to the Sheriff of Haddington for the trial of John Pratt for theft.

Commission under the Signet, signed by the same, is given to the sheriff of Hadingtoun and his deputes to try Johnne Pratt, born in West Fentoun, now a vagabond, who was apprehended on instant and committed to the tolbooth of Hadingtoun for the theft of two horses, one from the Laird of Salcottis, and the other from Fergusoun, servant of the Laird of Bas, and for other suspected acts of theft. Fol. 47, a.

Caution for the Earl of Moray in his exercise of the above commission.

This day appeared Johnne Stewart of Kilmaichlyne and became cautioner for James, Earl of Murray, that he shall pay to the Exchequer half of the escheats which he may receive in virtue of the above commission. Signed (autograph) "Johnne Stewart off Kinmachloun, cautionar." Fol. 47, b.

Edinburgh, 26th March, 1618.

Sederunt — Chancellor; Lotheane; Tullibardine; Lauderdaill; Binning; Carnegye; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop; M^r^ Petir Rollok; Marchinstoun; Sir G. Erskine; Sir Andro Ker; Conservator. Acta Sept. 1617–July 1620. Fol. 135, b.

Proclamation anent salmon-fishing, enjoining stringent measures by landlords and others for stopping the present destruction of fish by "vagabonds and maisterless lymmeris haunting rivers and streams in all parts of the

"Forsamekle as thair is a verie . . . . . all the revairis of this kingdome the . . quhairof . . . . . the oversicht and connivence grantit to vagaboundis and maisterles m[en to] slay blak fische with troute wandis and utheris ingynis at all tymes and seasonis of the yeir, and frome the uncontrolled resset quhilk thay find upoun the ground and landis nixt adjacent and lying maist ewest to the saidis reveris be the witting and knawledge of landislordis and maisteris of the ground, who are of sufficient pouer and force to apprehend, stay, and [arreist] thame, quhairthrow the slauchter of blak fische, quhilk hes bene so oft prohibite and forbiddin be mony guid lawis and Actis of Parliament as a cryme moist pernitious and wicked, Fol. 136, a.

Acta Sept. 1617–July 1620.

and verie hurtefull and prejuditiall to the commounweele, is become a commoun and ordinair trade, heichlie to the offence and contempt of oure Soverane Lord and misregaird of all guid ordoure and policie; and, quhenas thir vagaboundis and maisterles lymmairis heiris of ony course or ordoure intendit for thair persute and apprehensioun, thay abandone the placeis of thair ordinarie resset and eschewis to otheris pairtis, still continewing in thair wicked and accustumat trade of slaying of blak-fische, sua that the scairstie and derth of salmond, quhilk wes ane of the best commoditeis whairwith forayne wairis wer brocht within the cuntrey, daylie incressis; and the Lordis of Secrite Counsaill understanding perfytlie that, gif the landislordis of the landis and boundis quhair the vagabound and maisterles lymmairis hes thair ordinarie resset did thair diligence and dewtie, be thame selffis and thair tennentis, to apprehend, stay, and arreist thame, the wicked and unlauchfull trade forisaid of slaying of blak fische wald not be sa frequent and commoun: Thairfore the Lordis of Secrite Counsaill statutes and ordanis that in all tyme comeing the maisteris and landislordis of the ground and landis quhair the vagaboundis and maisterles lymmairis hes thair ressett, and quhair thay fische in the revairis or branscheis of revairis within the saidis landislordis boundis, salbe ansuerable for the entrie and exhibitioun of the saidis vagaboundis and maisterles lymmairis to the commissionaris and otheris haveing pouer to punische the slayairis of blak fische in suche forme and maner as the maisteris and landislordis in the Heylandis and Bordouris are haldin and obleist to be ansuerable for the brokin men and soirnaris hanting, resorteing, and ressett upoun thair ground and landis. And accordinglie thir vagabound and maisterles lymmairis salbe repute, haldin, and estemit to be the proper men of the saidis landislordis, gif it may be provin that the saidis lymmairis hes fischet in thair boundis in day licht, and that thay have outher overseene thame or not done thair dewtye and diligence in apprehending, staying, and arreisting thame; and, gif thir vagaboundis and maisterles lymmairis sall eschaip untane, and that the landislordis quhair thay fischet be burdynit to ansuer for thame, in that caise the saids landislordis sall have actioun for thair releif

country all through the year with "troute-wandes and other ingynis."

Fol. 136, b.

aganis the [otheris] landislordis ane or ma quhair it salbe provin that the said vagabound and maisterles lymmairis hes dwelt and fischet; and this forme of releif salbe extentit and haif executioun fra landislord to landislord, ay and quhill the lymmairis be apprehendit and brocht to thair tryall. And, for the forder releif of the saidis landislordis and the bettir restreaning and repressing of the slauchter of blakfishe, the saidis Lordis gevis pouer and commissioun be virtew of thir presentis to the saidis landislordis, be thame selffis or thair tennentis and servandis, to tak and apprehend all and sindrie personis dwelland in quhatsumevir pairtis of the cuntrey whome thay find fisheing in the revairis or brancheis of revairis within thair boundis and landis, and to keepe thame in suir firmance quhill thay find cautioun for thair releif and that thay salbe ansuerable and obedient to the lawis, and that letteris of publica-

tioun be direct heirupoun, quhairthrow nane pretend ignorance of the same." Acta Sept. 1617–July 1620.

[Sederunt as recorded above.] Decreta Nov. 1617–Nov. 1618.

Edinburgh, 26th March 1618. Act in favour of George Sutherland in Elgin, reponing him in the office of notary, from which he had been degraded for extortion.

Petition by George Sutherland, notary, burgess of Elgin, anent his degradation from the office for an extortion committed "sax yeiris syne or thairby" [*ante*, p. 312]. Supplicant served the said Williame Eysoun "in all thingis concerning his office and chairge quhairin he had ado the haill space of foure yeiris afore without ony kynd of payment or satisfactioun gevin be him." He was promised £30 for his labour, but he has not received a penny, "nor myndis nevir to trouble or crave him for the same." And yet, for that sum the Lords have given "this hard sentence aganis him," and have also decerned him to pay £30 of expenses; which he has duly done. Supplicant is a poor man, "now become aiged, having the chairge and burdyne of a grite familie and houshold without ony meanis to interteny thame bot be his said office."—The Lords, considering the circumstances of his family, repone petitioner in his office of notary, because he has found caution in 300 merks "to behave him selff in his office of notarie faithfullie and honnestlie to all his Majesteis leigeis, and that he sall use na extorsioun upoun thame." Fol. 223, a. Fol. 223, b.

Caption against Thomas Home for debt to Margaret Vertie.

Complaint by Margaret Vertie, daughter of Johnne Vertie "at the brigend of Duns," and Johnne Gradden of Langrig, her spouse, that Thomas Home, son of George Home of Crammecrok, remains unrelaxed from a horning of 15th January last for not paying £120 of principal and £5 of expenses.—The said Johnne Gradden appearing for himself and his wife, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Suspension of horning against William and Robert Elliot for assault.

Complaint by William Ellot, called of Hartiscart, and Robert Ellot of Reidheuch, that they have been put to the horn wrongously at the instance of Johnne Scot of Newwark for failing to appear to answer to an alleged assault at the Nether Feild of Foulscheillis [*ante*, p. 327.] They were not lawfully charged to appear; but, for obedience, they had found caution, each in the sum of 500 merks, to appear this day.—Pursuers appearing personally, and defender not appearing, the Lords suspend the said process. Fol. 224, a. Fol. 224, b.

Caption against George Home of Bassindean for debt to George Home of F'reirlands.

Complaint by George Home of the Freirlandis of Dumbar that Sir Johnne Home of Coldenknowis, Sir James Home, his son and heir, M^r^ William Home of Graden, and George Home of Bassindane, remain unrelaxed from a horning of 20th November last for not paying 2000 merks of principal and 200 merks of expenses.—Pursuer appearing by Johnne Leirmonth, and the said George Home of Bassindane not appearing, the Lords give order to the Captain of the Guard to apprehend the said George, seize his houses, and inventory his goods for the King's use. Fol. 225, b.

Suspension of

Complaint by Patrik Lumisdane in Anstruther that he has been put to

Decreta Nov. 1617–Nov. 1618.

the horn wrongously at the instance of Elspeth Lumisdane in Anstruther, his spouse, and Issobell Lumesdane, his daughter, for not appearing to answer the charge of having assaulted them [*ante*, p. 299]. Pursuer was not lawfully charged; but he had found cautioun in 300 merks to appear, and to pay 20 merks for his escheat.—Pursuer appearing and denying the charge and the said Elspeth appearing for herself and daughter, the Lords suspend the said process. Both parties are ordered to find lawburrows, each under the pain of 300 merks.

horning against Patrick Lumsden in Anstruther for assault on his wife and daughter.

Fol. 225, b.

Fol. 226, a.

Complaint by Thomas Makawlay, writer to the isgnet, that Harie Wood of Bonytoun remains unrelaxed from a horning of 11th February last for not paying 2000 merks of principal and £200 of expenses.—Pursuer appearing by Frances Kennedy, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against Harry Wood of Bonytoun for debt to Thomas Macaulay.

Fol. 226, b.

Complaint by Sir Robert Stewart of Schillinglaw, knight, as follows:—The late David Stewart, brother of James Stewart of Tynnes, "a cadent of the house of Tracquair," having been slain by the late Andro Pringle, son of the late James Pringle of Tynnes, who happened to be accompanied at that time by James Murray, brother of Sir Johnne Murray of Phillophauch, Patrik Murray of Kirkhouse, and Johnne Murray of Newhall, "and this slauchter being lyke to have drawne the house of Tracquaire undir a deidlie feid with the said Sir Johnne Murray, who wes thair neir allya and freind, and betuix quhome in all tyme bigane thair had bene ane lang continewed freindschip," some persons, "commoun freindis to both housis," dealt with pursuer, "howsoone he fall to be tutour to his brother sone the Laird of Tracquair, that he wald harkin and give eare to some ovirtures and propositionis of assythment quhilkis wer to be maid for the said slauchter to him as tutour of the house of Tracquair." Pursuer was ordered by his Majesty "to imbrace suche a reasounable course;" which he did, for the sake of peace, and knowing "how odious and detestable the name of deadlie feadis hes evir bene to his Majestie." Pursuer made an agreement with the said Sir Johne Murray, "who tuke burdyne thairin for the saidis James, Patrik, and Johne Murrayis; and thay both reservit oute of the said submissioun the said umquhill Andro Pringill, who wes the actuall committair of the said slauchter, to abyd his hasard by course of law or utherwyse as sould happin to fall oute. Lyke as the personis to whome thay submittit gaif and pronuncit thair decrite and sentence arbitrall thairintill, quhairby thay decernit assythment and satisfactioun to be maid to the bairnis of the said umquhill David; quhilk wes accordinglie performit and satisfeit; and thay decernit the said complenair, as tutour foirsaid, for him selff and takand the burding upoun him for the bairnis of the said umquhill David and utheris his freindis, to procure and purches frome thame ane sufficient letter of slanes authorized with thair tutoris and curatoris, and to caus the saidis bairnis to ratifie and approve the said letter of slanes at thair lauchfull and perfyte aige." Now, "althocht the said complenair, for his

Complaint by Sir Robert Stewart of Shillinglaw, as tutor for the house of Traquair, that his efforts for preventing a feud between that family and the Murrays of Philiphauch, likely to have been occasioned by the slaughter of the late David Stewart, brother of the Laird of Tynnies, are obstructed by John Stewart, son of the said late David.

Fol. 227, a.

Majesteis obedience and satisfactioun, for the peace and quietnes of the cuntrey, for the knawne and seene weele of the bairnis of the said umquhill David, and for intertenying of that long continewed freindschip betuix the house of Tracquair and the said schireff of [the] Forrest,—who upoun mony considerationis wald have bene induceit to dip in that fead gif it had been sufferit to come to a gritter heicht,—enterit in this submissioun, with speciall reservatioun and exceptioun alwyse of the said umquhill Andro Pringle, actuall committair of the said slauchter, and that the said complenair is now straitit and urgeit for performance of his pairt of the said decrite arbitrall by procureing ane deliverie of the said letter of slanes in dew and autentick forme as is prescryvit in the said decrite, nevirtheles Johnne Stewairt, sone to the said umquhill David, who is now majore, and Alexander Stewart, sone to James Stewart of Tynnes, his cousing germane, moved and steirit up with some sinister consaitis and apprehensionis of thair awne, seames to misknaw the course and ordoure tane be the said complenair for satling of this mater; and, as he is informit, thay have some bad purpois and intentioun to do and practize some thing quhilk may revive and walkin this fead and undo all that hes bene done for satling of the same, and thay refuise, and onnawyse will subscryve, the said letter of slanes; quhairupoun grite inconvenientis will not faill to fall oute."—Pursuer appearing personally, and the said Johnne and Alexander Stewart not appearing, the Lords order defenders to be denounced rebels. Decreta Nov. 1617–Nov. 1618.

The Lord Advocate against a number of persons in Edinburgh for illegal import and sale of tobacco.

Complaint by the King's Advocate that the following persons have contravened the acts anent the importation and sale of tobacco to the extent undermentioned:—Robert Galbraith, merchant burgess of Edinburgh, 10 stone weight of tobacco; Bessie Bannatyne, relict of , burgess there, 10 stone; James Patirsoun, burgess there, 10 stone; Johnne Burdoun, burgess there, 10 stone; Johnne Frame, hatmaker, burgess there, 10 stone; Andro Murdo, his son-in-law, 10 stone; and Adam Bell there, 10 stone,—the said persons having sold the said tobacco at 16s. the ounce.—Pursuer appearing personally, and the said Johnne Frame, Johnne Burdoun, and Andro Murdo appearing, but the remaining defenders not being present, the Lords find that the said Andro Murdo on his own confession has brought within this kingdom 5 lb. of tobacco and sold the same at 10s. the ounce, and that the said Johnne Burdoun, also on his own confession, has bought 20 lb. of tobacco, which he sold at the same price. They order the price of the said quantities to be confiscated. The Lords also find that the said Bessie Bellintyne, James Patirsoun, and Adam Bell have each bought 10 stone weight and sold the same at 16s. the ounce,—said persons not having answered the summons of James Douglas, macer, to give their oath of verity in the matter. They order the confiscation of the price of the said quantities. The Lords assoilzie the said Johnne Frame, because he has denied the charge on oath. They excuse the absence of Robert Galbraith, "inrespect it is notourlie knawne that he is out of the cuntrey." Fol. 227, b. Fol. 228, a. Fol. 228, b.

Decreta Nov. 1617–Nov. 1618.

Complaint by Niniane Ramsay, one of the ordinary officers of the Admiralty, and by his Majesty's Admiral and his deputes for their interest, as follows:—On 18th March instant, David Robesoun, procurator-fiscal of the Admiralty, obtained a decreet before the Admiral against Henrik M^cKesoun, skipper of the ship , ordering him to pay £50, as an unlaw for not having entered two of his mariners before the Admiral-Deputes the said day, for trial for assaulting each other on the said ship "upoun the sea foiranent the mylneburne of Inzefeir." A precept of poinding was raised upon this decreet, by virtue of which pursuer went on 23rd instant to the said ship, then lying in the harbour of Leyth. James Foirman, water bailie of Leith, "being upoun the schore for the tyme, and persaveing the said skipper and his haill equippage wald gif the said complenair contentment and satisfactioun in this mater," commanded them not to acknowledge pursuer. They "being strangeairis, and leaning altogidder to the said waltir baillie," would not suffer complainer to interfere with the said ship, but put him furth of the ship, the said bailie crying "with a verie loude voce" to cast him and his witnesses in the sea.—Pursuer, and M^r Jerhome Linday, one of the deputes of the Admiralty, appearing, and defender being also present, the Lords find that defender has committed an offence against the Admiral and his officers, and decern him not to meddle in future in any matter concerning the authority of the Admiralty. He admits the act, but pleads that he had so ordered the crew because the said Niniane would not show him a warrant for the poinding.

Ninian Ramsay, one of the officers of the Admiralty, against James Foreman, water-bailie of Leith, for interference with him in the performance of his duty.

Fol. 229, a.

Fol. 229, b.

Acta Sept. 1617–July 1620. Fol. 136, b.

Sederunt — Chancellor; Treasurer; Lotheane; Laudirdaill; Binning; Carnegye; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop; Ridhouse; Curriehill; M^r Petir Rollok; Marchinstoun; Sir Andro Ker; Conservator.

Edinburgh, 31st March 1618.

"Forsamekle as, albeit thair hes bene mony guid Actis of Parliament maid be the Kingis Majestie and his predicessoris of famous memorie anent the hamebringing of bullyoun, by the quhilkis it is statute and ordanit that all and sindrie merchandis and trafficquaris who transportis ony commoditeis and wairis furth of this kingdome sall bring hame and deliver in his Majesteis Cunyehouse a certane proportioun and quantitie of bullyoun answerable and effeirand [to] the commoditeis and wairis transportit be thame, to the effect that by the native commoditeis of the cuntrey money be . . ned and haldin within the same, as in the saidis Actis [at] lenth is contenit,—quhilkis actis being maid for the weele of the [cun]trey and according to the policie of all otheris weill governit [com]mounweeleis,—nevirtheles it is of treuth that thir divers [yeiris] bigane thair hes bene ane grite defect in the obedience [of his] Majesteis subjectis to the saidis actis, quhilk hes proceidit [commoun]lie frome the negligence and ovirsight of the ma[ister] and officeris of

Act for enforcing former Acts commanding merchants and traffickers always to import from abroad, and deliver into the Cunyiehouse, a quantity of bullion proportional to the commodities they export.

Acta Sept. 1617–July 1620. Fol. 137, a.

his Majesteis Cunyiehouse, to whose office and [chairge] the cair and directioun of materis tending to the furtherance of the inbringing of bullyoun propirlie belongis, bot cheiflie frome the unwillingnes and contempt of the merchantis and otheris standing obl[eist] in payment of the said bullyoun, quho hes refuisit and still refuisis to tak ony course or ordoure thairanent, quhairthrow and by the frequent exportatioun of all kynd of coyne furth of this realme thair is a verie grite penurie and scairstie of moneyis within the same, quhairupoun hes followit this extraordinair derth of all kynd of commoditeis necessar for the use of man, to the grite hurte and prejudice of the commounweele: Thairfore the Lordis of Secrite Counsaill ordanis letteris to be direct to command and chairge all and sindrie merchandis and trafficquairis of this kingdome and all otheris his Majesteis leigeis and subjectis who hes transportit ony commoditeis and wairis furth of this kingdome before the first day of November in the yeir of God j^{m} vj^{c} and sevintene, and thair cautionaris, gif ony be foundin be thame, for the bullyoun, be oppin proclamatioun at the mercat-croceis of the heid burrowis and townis quhair the saidis merchantis dwellis, that thay and everie ane of thame imbring to his Majesteis Cunyiehouse and deliver to his Majesteis maister cunyeoure the haill bullyoun addebtit be thame for the commoditeis and wairis transportit be thame before the said first day of November within ten dayis nixt after the publicatioun heirof at the saidis mercat croceis; certifeing thame that sall failyie or do in the contrair that they salbe compellit to mak payment of the double of the said bullyoun, and letteris of horning salbe direct aganis thame for payment thairof upoun a simple chairge of ten dayis. And siklyke to command and chairge all and sindrie personis who sall transporte ony commoditeis or wairis furth of this kingdome at ony tyme heirafter that thay, within the space of sax monethis after thair transporte of the saidis commoditeis and guidis, bring in the cunziehouse and deliver to the maister cunyeour the bullyoun dew to be payit be thame for thair saidis guidis, undir the pane foirsaid of doubling of the said bullyoun; certifeing thame that sall failyie or do in the contrair that letteris of horning upoun a simple chairge of ten dayis salbe direct aganis thame for payment of the double of the said bullyoun."

[Sederunt as recorded above.]

Edinburgh, 31st March 1618. Wilkin Johnston, burgess of Edinburgh, and Duncan Campbell, messenger, against Mr. John Dickson and others, for deforcing and maltreating the said Duncan in the

Decreta Nov. 1617–Nov. 1618. Fol. 229, b.

Complaint by Wilkeene Johnnstoun, merchant burgess of Edinburgh, and Duncane Campbell, messenger, as follows:—James Bellandane of Spittell having remained unrelaxed from a horning for not paying pursuer £200 of principal and £40 of expenses, pursuer accordingly raised letters of caption against him, and committed the execution to the said Duncane. After long search, the said messenger learned that he was in the dwelling-house of M^{r} Johnne Dicksoun in the Cannogait; and thither he went on 27th instant. Having entered the hall of the said house, he was asked

Decreta Nov. 1617–Nov. 1618.

his errand by the said Mr Johnne; who, when he learned it, "fell out in most bitter and disgracefull speitcheis aganis the said Duncane, calling him a villane, knove, and deboschet swingeoure lowne,—how durst he come to his house for suche eirandis; and, he being assistit with Robert Akie, servitor to Johnne Bellindane, thay both protestit with mony horrible aithes that it sould coast the said Duncane his hairt blood afore he got the rebell out of the house. And with that thay and tua servand wemen of the said house pat violent handis on the said Duncane, tooke him be the gorget and held him fast, caist over ane chyre to the ground, gaif him mony straikis with thair fauldit neiveis on the face, head, and body, and be force and violence held him downe quhill the said James Bellindane eschaiped at ane storme windo; quhairby as thay have most proudlie and contempnandlie deforceit the said Duncane in the executioun of his office, quhilk is ane verie grite contempt and of ane evill example so neir the place of justice, so thay haif committit a verie grite oppressioun aganis the said Wilkeene."—Pursuers appearing personally, and defender not appearing, the Lords find that the said James Bellindane was in the said house at the said time, and that defender and his servants committed the offence libelled. They order defender to enter the said James in the Tolbooth, therein to remain at his own expenses till he relax himself from the said horning, or, failing that, that defender pay the said £200 of principal and £40 of expenses, under pain of horning.

execution of letters of caption at the instance of the said Wilkin against James Bellenden of Spittell.

Fol. 230, a.

Fol. 230, b.

Complaint by Johnne Craufurd, servitor to Thomas, Lord of Binning, that Robert Gordoun of Barnerne remains unrelaxed from a horning of 9th August 1615 for not paying 300 merks of principal and £50 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against Robert Gordon of Barnerne for debt to John Crawford.

Fol. 231, a.

Complaint by the King's Advocate and Robert Ker, son of Thomas Ker of Cavers, as follows:—On 16th March instant, the said Robert went from Cavers to the town of Langnewtoun, "for schoeing his horse at the smyddie thairof." Johnne Ker, son of Sir Johnne Ker of Jedburgh, who has conceived a hatred against him, hearing of his journey, "cryit for horsse to have followit the said Robert" as he was riding homewards. Though he was stayed by some well affected persons, he ordered John Ker, his servant, to follow the said Robert and attack him. The servant, who was armed with "plaitslevis," a sword, and pistollets, thereupon leaped on his master's horse, and overtook the said Robert. He first upbraided him, saying he was "over peart to come upon the ground of his Majesteis landis," and then struck him with his sword. "Persaveing he could not get ony grite advantage of him that way, and resolveing to have his lyff," he pulled out a pistollet, and discharged it at pursuer. He, however missed his aim.—Pursuers appearing personally, and defenders being also present, the Lords assoilzie the said Johne Ker, son of Sir Johnne, because he has denied the charge on oath. He has admitted that "he

Robert Ker, son of Ker of Cavers, against John Ker, son of Sir John Ker of Jedburgh, and John Ker, his servant, for assault.

Fol. 231, b.

commandit onlie the said Johne Ker, his man, to loup upoun horsbak and to follow the said Robert, and to demand of him gif he come thair in contempt of the said Johnne and to do him wrang at his awne dure," but has deponed "that he gaif no command to his said servand to do or offer ony injurie or wrang to the said Robert." The Lords find the charge of assault and that of wearing pistollets proven against the said servant, and order him to be detained in the Tolbooth of Edinburgh at his own expense during their pleasure, he having confessed that he had followed complainer on horseback, and that, "upoun some altercatioun and speitches betuix thame," they drew swords; also that he fired a pistolett in the air with the intention of letting the said Robert understand that "he wes undir his reverence, and that he micht have done him hairme gif he pleasit." The Lords order the said Johnne Ker, son of Sir Johnne, and Robert Ker to find lawburrows,—the former under pain of 3000 merks, and the latter under pain of 500 merks,—and to remain meanwhile within the burgh of Edinburgh. Decreta Nov. 1617-Nov. 1618. Fol. 232, a.

George Wauchope of Gleghorne against Patrick and Alexander Home, for the abduction of his daughter.

Complaint by George Wauchop of Gleghorne, as follows:—Margaret Wauchop, his daughter, who was contracted in marriage with Patrik Cokburne of East Borthuik,—their banns having been twice proclaimed, —resolved, with her father's permission, to ride to the burgh of Edinburgh on 25th March instant, "to the effect scho micht have providit hir selff of sindrie thingis requisit and necessar agane the tyme of hir mariage." As she was riding attended by a servant, she was met on the highway, within two miles from Edinburgh, by Patrik Home, brother of Alexander Home in North Beruik, who was accompanied by James Oset, at the request of said Alexander, his master, and others, all armed and upon horseback. They "violentlie and perforce revisched and took hir away with thame quhair thay pleis, intending to extorte frome hir a consent that scho past away willinglie with thame, and thairby to illude and mock the justice of the cuntrey."—Pursuer appearing personally, and the said Alexander Home appearing, but the other defenders not being present, nor the said Margaret being presented, the Lords assoilzie the said Alexander, because he has deponed on his oath "that the same wes not of veritie." The Lords order the said Patrik Home and James Osett to be denounced rebels. Fol. 232, b.

Alexander Falconer.

This day, M^r^ William Reid, sheriff depute of Kincairdin, appeared and presented Alexander Falconner in Newtoun, conform to order of Council. The Lords commit him to ward within the Tolbooth, there to remain till his trial.

Mr. John Hamilton against John M^c^Naucht for illegal arrest.

Complaint by M^r^ Johnne Hamiltoun, son of the late David Hammiltoun, commissary of Lanerik, that on March instant he was attacked in "his awne tenement of land lyand in Leith" by Johnne M^c^Naucht, merchant burgess of Edinburgh, and others, was made prisoner, and was carried to the tolbooth of Leyth, where he is still kept wrongously.—Pursuer and defender appearing personally, the Lords order "the said Johnne M^c^Math, baillie," to put defender to liberty.

Fines. Fol. 35, b.

Forfeiture of caution by Logan of Bonytoun for the Countess of Atholl and her husband, because they have gone into England without leave.

Complaint by the King's Advocate, as follows:—On 5th October 1614 George Logane of Bonytoun became cautioner in £1000 for Dame Marie Ruthven, Countess of Athoill, and James Stewart, her spouse, that they should not repair to England without licence from the Council (*ante*, vol. X. p. 274). The said Countess and her husband have, however, since that date gone to England without licence; and therefore the said sum should be confiscated.—Pursuer and defender appearing, the Lords find that the said parties went to England without permission, and order the defender to pay the foresaid sum to his Majesty's Treasurer.

Commissions. Fol. 47, b.

Licence to Home, younger of North Berwik, to go abroad.

Licence under the Signet, signed by the Chancellor, Mar, and Binning, is given to Alexander Home, apparent of Northberuik, to go abroad for five years without skaith to person or property for so doing, provided he behave as a dutiful subject when abroad.

Fol. 55, a.

Commission to the Magistrates of Edinburgh and others, for the apprehension of John Symington.

Commission under the Signet, signed by the Chancellor, Mar, Binning, and Kylsyth, is given to the provost and bailies of Edinburgh, the bailies of the Cannogate, Thomas Home, constable of the Castle of Edinburgh, and Thomas Inglis of Eistsheill, to apprehend and exhibit before the Council for delivery to the Justice Johnne Symontoun in Cothcone, suspected of theft and reset of theft.

Sederunts. Fol. 24, a.

Opinion of the Council as to the answer which Sir Gideon Murray should give to a letter he has received from Sir William Alexander intimating that some one is applying to his Majesty for a commission to search all Scottish ships arriving in London.

"The quhilk day Sir Gedeoun Murray of Elibank, knycht, Deputie Thesaurair, produceit and exhibite befoir the Lordis of Secreit Counsell ane letter writtin unto him fra Sir Williame Alexander, Maister of Requeistis, beareing that, this last yeir bigane the fermoraris of the Customes haveing purchest ane letter frome his Majestie to the fermoraris of the custome of Lundone commanding thame not to ressave the entrie of ony Scottis ship till first thay tooke notice and tryall that thair wes no ma guidis within the ship nor wes insert and exprest in the cocquett, that now thair wes one in sute to his Majestie for a commissioun to searche all Scottis shippis comeing to Lundone and to sease upoun suche goodis being within the ship as ar not insert in the cocquett, and that his Majestie had refuisit to grant his commissioun till first he wer adverteist yf ony harme or prejudice mycht follow thairupoun; and thairfoir the said Sir Gedeone desirit the Counsallis advise and opinioun quhat ansuer he sould returne to the said Sir Williame Alexander thairanent. The Counsaill haveing red and considderit the letter, and the Baillies with some of the Counsell of Edinburgh being hard thairupoun, it wes reportit to thame that the cocquett servis onlie as a warrand for the ship that sho is no pirott, and that thair is no searche maid of shippis in ony cuntrey, bot the maircheantis and awnaris of the ship gevis up thair entrie as thay wilbe ansuerable; and that this commissioun now soght frome his Majestie is onlie soght to scaff and trouble his Majesteis goode subjectis. The Lordis, haveing hard the saidis Baillies upoun this point, advised the said Sir Gedeoune to returne bak ane ansuer to the said Sir William Alexander that the said commissioun is evill soght, to the hurte of his Majesteis subjectis and prejudice of his customes."

March 1618. John Hamilton.

Caution for Johne Hammyltoun in £1000, not to molest Johnne Symmentoun of the Ilk and family. Signed by Johne Somervell of Boisuall, Johne . . . . . [1] Cautions 1618.

Edinburgh, 1st April 1618. Caution for John Ker.

Caution by Johne Ker of Long Newtoun, son of Sir Johne Ker of Jedburgh, for Johne Ker, his servant, in 300 merks not to wear hagbuts and pistolets [*ante*, p. 341.]

Caution for Ker of Long Newton.

Caution by for Johne Ker of Long Newtoun, 3000 merks, not to molest [Thomas Ker] of Cavers and family (*ante, ib.*)

Edinburgh, 2nd April 1618. Caution for Robert Ker.

Caution by George Ker, fiar of Cavers, for Robert Ker, son of the goodman of Cavers, £500 not to molest Johne Ker of [Long Newtoun?] (*ante, ib.*)

Whitehall, 4th April 1618.[2] His Majesty's answer to the Council's letter of 19th February, concerning new arrangements for the Middle Shires.

"The Kingis Majesteis answer to the letter abonewrittin [*ante, p.* 316]. —Right truistie and right weilbeloved cousings and counsellors and right trustie and weilbeloved counselloris, we greit yow weill. Since our receipt of your letter of the 19th of Februar last accompanyeing the signatour of the conjunct commissioun of remanding then sent unto us, we have beine pleased to command a change of a certane number of the Scottis Commissioneris thairin nominated, and in thair place to insert suche otheris of oure speciall choise as ar named in the signatour now signed by us and heirwith to cum to your handis; whiche of itselff wilbe a sufficient witnes of our approbatioun of your desyres anent the prerogative of the first plaice in nominatioun of your Commissioneris, seing thairin the same is allotted unto yow. As for oure warrand (whereupon ye delayed the sealling of the commissioun sent frome this to be passed thair), the sending thairof is not at this tyme requisit, becaus oure change of the Commissioneris for that syde will requyre the renewing of the commissioun for England, that so the Commissioneris now named for Scotland may be rychtlie insert thairin. For whiche effect a roll thairof is by our directioun alreddy delyverit to our Secretarie Sir Thomas Laike, and he commandit to caus haist the renewing of the said commissioun, to the end that the same, being once exped heir, may be sent with Borders. Fol. 58, a.

[1] Only a part of this entry is preserved. As the next entry is dated 1st April 1618, it may be placed at the end of March of that year.

[2] The preceding day, 3rd April 1618, was Good Friday; and there was much of interest in Edinburgh, if not through all Scotland, in observing how far his Majesty's Proclamation by his own authority, of the of January last (*ante*, p. 296, and footnote), for the observation of that day as one of the five sacred festivals of the year, would be obeyed. The following is Calderwood's account of what happened (vii. 297:—"Thrie or foure "dayes before Good Fryday, the Proveist and "Baillies of Edinburgh were commandit, by "a letter from the King, to sie that the in- "habitants observed Good Fryday conforme to "the Proclamation. The Baillies craved the "ministers' advise. They answeired it was "not directed to them: let *them* doe as they "wold be answeirable. Upon Wedinsday "preceding Good Fryday the thrid of Aprile, "the magistrats of Edinburgh sent the "officers through the toun to sie that there "were noe worke nor trading; yit was there "noe other preaching but the ordinare. Mr. "Couper, Bishope of Galloway, preached in "the Royall Chappell, where sundrie of the "Counselours and others conveened at the "King's direction."

Borders.

diligence to be sealed thair. Wherefoir ye may reteine the former commissioun till that now directed cum unto yow; and, for expeiding thairof at that tyme, these sall serve to yow, oure Chancellor and other officeris quhome it concernes, of a warrant sufficient, as lykwayes for expeding of the signatour now sent and appending of the great seall of that our kingdome in the first plaice thairto. Whiche done, we will expect your spedie returne thairof, that so it may be passed at the sealle heir with diligence. The death of the Erle of Shrewburrie hath occasioned the deliting of his name in the signatour heirwith sent. So, recommending to your speciall cair the spedie performance of the premisis, we bid yow fairweill. At oure pallice of Whythall, the 4th of Appryll 1618."

Copy of new Conjunct Commission for the Middle Shires; with the names of the thirty lords and others for Scotland, and the lords and others for England, who are to compose the Commission,—five of the whole body to be a quorum at meetings; and with definition also of the territories on both Borders to be included henceforth in the range of the Middle Shires.

"James, be the grace of God, King of Scotland, England, France, and Ireland, Defendar of the Faith, to the rycht reverend fatheris in God and to our right trustie and weilbeloveit counsellour Johne, Archbishope of St. Androis, James, Archbischop of Glasgow, and to our right traist cousigne and counsellour James, Marques of Hammiltoun, and to our richt traist cousigne Alexander, Erle of Home, and to our traist cousigne and counsellour Robert, Erle of Roxburgh, and to our traist cousignes William, Lord Creichtoun of Sanquhar, Johne, Lord Heres, Walter, Lord Scott of Bugcleuch, William, Lord Cranstoun, and
Fol. 58, b. to our trustie and weilbelovittis Sir Gedeain Murray of Elibank, knyght, Sir Andro Ker of Oxenhame, knyght, Robert Maxwell of Carlauerak, Sir William Douglas of Drumlangrig, Sir Murray of Cokpoole, Johne Murray of Lochmaben, Sir Charterhouse of Amesfeild, Sir William Greir of Lag, Sir Thomas Kirkpatrik of Clowsburne, Sir William Seytoun of Keirsmure, Sir Johnne Murray of Philliphaugh, Sir Johnne Ker of Jedburgh, Douglas of Caveris, schireff of Teviotdaill, Riddell, appeirand of that Ilk, Douglas, appeirand of Bonjedburgh, Sir Robert Stewart of Schillinglaw, Home of Blacader, Sir George Home of Manderstoun, Home of Huttounhall, Cokburne of Langtoun, Sir Patrik Chirnesyd of Eist Nisbet, and to our richt trustie and rycht weilbelovit Edmond, Lord Chefeild, President of our Counsell in the North pairtes, and to our richt trustie and richt weilbeloveit cosen and counsellour Thomas, Erle of Arrandaill and Surrie, and als to our richt trustie and weilbeloveit cosignes Frances, Erle of Cumberland, and to the reverend father in God, Richard, Bischope of Durehame, Robert, Bischop of Cairlaill, and to our richt trustie and weilbeloveit Henry, Lord Cleifford, Theophelous, Lord Hawart of Warden, Philip, Lord Quharton, and to our richt trustie and weilbeloveit Sir Richard Huttoun, ane of the Justices of the Commoun Pleas, Sir William Salbe, Sir Ralph Gray, Sir Henrie Woddringtoun, Sir Johne Fennyke, Sir Ralph Delavall, Sir James Bellanggame, Sir George Salbe, Sir Johne Dalstoun, Sir Wolfrad Lawsone, Sir William Huttoun, Sir George Dalstoun, Sir Richard St. Foord (?), Sir Thomas Lamplache, Sir Henrie Curvenie (?), Sir Henrie Blincowe, Sir Cristopher Dalstoun, Sir Timothie Quhittinghame, knychtis, William Garnet, Robert Cooper, Cristopher Phillipsoun,

esquyris:—Whereas, by the happie unioun of the kingdomes of Scotland and England in subjectioun and alledgance, by the providence of Almichtie God, under ane imperiall crowne in our royall persone, the lawes or usages of the lait Merches or Bordoris institute or tollerat quhill they stoode seperat or devydit under severall kingis for the peace and tranquillitie thairof ar utterlie frustrat and expyrit, and yit mony of bothe natiounes dwelling neir the lait Bordoris or Merches do contenew thair former godles, lawles, and disorderit course of lyff, who by the ordinarie and seperat proceidingis of ather country cannot, as the necessitie of the caus requyres, be ather so spedilie brocht to the knowledge of God and to the obedience of us and our lawis quhilk we cheiflie desyre, or, being suche as will not be reclamed, cannot be so suddanelie cutt of by the sword of justice frome infecting utheris, as by joining certane of our loveing subjectis of both nationis in one commissioun for that purpois whome God hes alreddie conjoyned togidder as memberis of ane body under ane head; And forasmuch as ane of the greitest causis of thair offences is houpe of impunitie, and the greatest motive of thair houp is, efter murthoris, fellonyes, ryottis, routes, and unlawfull assembleis, and utheris greit offences committit in our kingdome, to eschaip punischment by flieing into the other: We, forasmuch as the saidis lawes and usages of the lait Bordoures and Merches ar now vanisched and abolisched, and for that it appertenneth to our kinglie offeice to caire and provyd that all our loyall and obedient subjectis may leive in peace and tranquillitie without fear of rubbereis, rapyne, and spoyle or danger of thair lyfis, and that murthoris, fellonyes, and uther delinquentis may be punist according to our lawis respective in that behalff, we have, thairfoir, to tak away all subterfuge and quensche all sparkis of ony hoip of eschaip frome punischment in suche as sall offend, thought good to joyne togidder in ane commissioun certane of each natioun for the establischment and preservatioun of our peace in these pairtes, and for the utter suppressing and preventing of all suche exorbitant offensis and disordoris, or els for the apprehending and sending of such offenderis as sall persist in thair wickednes to the countrey or plaice quhair they offendit, thair to ressave thair condigne punischment for thair dimereit according to the lawes and justeice respectivelie in that behalff. Know ye thairfoir that we, trusting in your wisdomes, fideliteis, and discretiounes, have constitute, authorized, and appoyntit yow to be oure Commissioneris, and by these presentis do gif full power and auctoritie unto yow, and everie fyve or mo of yow, to convene and assemble togidder and consult quhan, quhair, and als often as yow or ony fyve or moo of yow sall think fitt, useing thairin all possible diligence and expeditioun that may be how and by quhat menis our peace may be establisched and preserved in the severall countreis, schyres, schirefdomes, and stewartries heirefter following, being about the middle pairt of our kingdome of Greit Britaine,—that is to say, in the countreis of Northumberland, Westmoreland, and Cumberland, and in the schyres of or parroches of Norhame, the Holie Yland, and Bedlingtoun, parsill of the

Borders.

Fol. 59, a.

Borders. countrie pallintyne of Durhame, and in the schirefdomes and boundis of Bervik, Roxburgh, Selkirk, Peiblis, Drumfreis, and in the stewartreis of Kirkcudbricht and Annanderdaill,—and how and by quhat menis the saidis
Fol. 59, b. murthouris, felloneis, robries, rapynes, ryottis, routtes, unlawfull assembleis, offensis, and disordouris may be preventit, and the offendaris according to the law and justice respectivelie in that behalff punisched. And forder our will and pleasour is and by these presentes we do gif unto yow our saidis Commissioneris and everie ane or mo of yow full power and auctoritie frome tyme to tyme and at all tymes, by all lawfull wayes and meanes and with all possible expeditioun, alsweill to establisch, preserve, and keip our peace within the said countreis, schyres, schirefdomes, stewartreis, townes, and parroches, and each and everie of thame, as also to apprehend all such malefactoris and delinquentis within the saidis countreis, schyres, schirefdomes, stewart[re]is, townes, and parroches, or ony of thame, and to commit thame to prissone or uther saulff custody, and forder to send and delyver thame to such plaice and plaices, within ony of the saidis counties, schyres, schirefdomes, stewartreis, townes, and parrochinis in ather of our saidis kingdomes, quhair they may ressave justeice according to thair demerite and oure lawis and statutes respectivelie in that behalff. And forder, for the spedie suppressing of the saidis offendearis, we do by these presentes charge and command the severall schireffis, bailleis, and utheris officeris of everie of the saidis kingdomes, countreis, schyris, and plaices for the tyme being to whome the charge and custodie of the same respectivelie apperteineth, to assist yow and everie ane of yow, according to our lawis respectivelie in that behalff, with the poweris of the severall countreis, schyres, schirefdomes, stewartes, townes, and parrochins afoirsaid, als often as yow or ony one or mo of yow as is afoirsaid sall requyre the same, and also to assist, and strenthen your selffis or ony ane or mo of yow as is afoirsaid with such forces of men and horsemen as we sall frome tyme to tyme as occasioun sall serve assigne unto yow in that behalf, and use the same as yow or ony ane or mo of yow sall think fitt, alsweill for the preservatioun of oure peace in the counteis, schyres, schirefdomes, stewarteis, townes, and parrochis afoirsaid and each and everie of thame, as for the apprehending of ony of the malefactouris or delinquentis within the same, to the end they may be convoyit and brocht to the ordinar tryell and judgment of our lawis respectivelie maid and provydit in that behalff. And, that our will and pleasour heirin exprest may tak the moir spedie effect, we do by these presentis gif full power and auctoritie to yow or ony ane or moe of yow to do and execute all and everie uther lawfull and necessarie act and actis, thing and
Fol. 60, a. thingis, quhatsoevir, quhilk yow or ony ane or mo of yow as is afoirsaid sall think fit and necessarie for the doing and spedie executioun of this oure commissioun; and quhatsoevir yow or ony ane or ma of yow sall do or caus to be done by vertew of this our commissioun and according to the tennour and effect of the same, tuiching the executioun of the premisis or ony pairt thairof, these presentes salbe unto yow and everie ane or mo of yow

a sufficient warrand and discharge in that behalff againes us, oure airis, and successoris. And forder we will and command all and singular our schireffis, justiceis of peace, bailleis, constabillis, head burrowis, and all utheris oure officeris, ministeris, and subjectis to quhome it may or sall apperteine, that they and everie of thame sall not onlie by all possible wayes and meanis to thair uttermost indevoir haif speciall cair in and about the dew executioun of thair severall poweris and auctoriteis, according to the dewyteis of thair severall plaices and the truist that we have repoisit in yow for suppressing and preventing of the saidis inconvenientis, offensis, and disordoures, bot also that thei and everie of thame be helping, adding, and assisting yow and everie ane or mo of yow as is afoirsaid in the executioun thairof, as they and everie of thame tendis oure pleasour and will answer to the contrarie at thair uttermost perrell. And forder our will and pleasour is that these our letteris of commissioun salbe in dew maner maid and sealled alsweill under our greit seill of Scotland as under our greit seill of Ingland without ony uther or forder warrand frome us to be had or obtenit in that behalff; for quhilk purpois we have also causit a duplicat heirof to be maid to pas under oure greit seal of England. And forder we will, and our plesour and commandement is, that this our present commissioun, and all poweris and auctoriteis thairby gevin and grantit, salbe, remane, and continew in full power and force according to our meining and intent thairin specifeit, untill we sall declair our will and pleasour under our previe seill or greit seall of Scotland to the contrarie,—the statute maid in the Parliament haldin at Westminster in the fourt yeir of our regne in England, intituled 'Ane Act for the utter abolischeing of all memorie of hostilitie and the dependance thairof betweine Scotland and England, and for the repressing of the occasiounes of discord and disordour in tyme to cum,' or ony uther law, statute, caus, or mater quhatsoevir to the contrarie notwithstanding. In witnes quhairof we have causit these oure letteris to be maid patent. Witnes our selff at Westmenster, the xxiij day of Januarij in the xv yeir of our regne of England, France, and Ireland, and of Scotland the ane and fiftie. *Per ipsum regem.* *Copia.*" Borders.

Edinburgh, 7th April 1618.[1]

[No record of Sederunt.]

Acta Sept. 1617-July 1620. Fol. 137, a.

The Lords, understanding that there is some dispute between Sir Robert

[1] The preceding Sunday, 5th April, had been Easter Day; respecting the observation of which there is this information in Calderwood, in continuation of his account, quoted *ante*, p. 344, footnote, of the keeping of Good Friday:—"Upon Easter Day the Communion "was ministred by sundrie Bishops in their "Cathedrall Kirks to manie of the people "kneeling upon their knees, especiallie in St. "Androes. So they practised the ceremonies "as occasion offered before the Generall As-"semblie had determined upon an answeir "to the King." [Calderwood means as to the willingness of the Church itself to authorise the new ritual on which the King had set his heart and which he was trying to establish by his own authority]. . . . "The Bishope of Gallo-"way ministred the Communion in the Royall "Chappell, where Chancelour Seatoun, Presi-"dent Hamiltoun, the King's Advocate Mr. "William Olyphant, Sir Gideon Murray, "Treasurer-Depute, Sir George Hay, Clerk "of Register, . . . and their followers, "to the number of fortie-two persons, were "present."

Acta Sept. 1617–July 1620.

Innes of that Ilk and Innes of Balvany, which threatens to cause a breach of the peace, order the said parties to appear before them on 2nd June and to keep the peace till then, each under the pain of 5000 merks. Dispute between Innes of that Ilk and Innes of Balvany.

Cautions 1618. Fol. 9, a.

This day appeared Williame Douglas, fiar of Caschogill, and Williame B of Corhouse, and became cautioners for Johnne Symentoun of that Ilk, £1000, not to molest Johnne Hamiltoun of Gilkeiscleuch, parson of Craufurd, or his family and servants. Caution for Symington of that Ilk.

Fol. 9, b.

This day in the Cunyie (?) Burne in Anstruther Eister became cautioner for Patrik [Lumsdane] in not to molest Elspeth Lumsdane, his spouse, and their servants (*ante*, p. 336). Caution for Patrick Lumsden.

This day Mr Williame Scrogie, advocate, handed in for registration an act of caution by Walter Hereis of . . . for Alexander Cunnyng-hame, younger, of . . , not to molest . . . , . . , Johnne Murray there and Johnne . . and their tenants. Caution for Alexander Cuningham, younger.

Caution by Andro Sym [?] for George Sutherland, notary, £300 (?), to discharge his office of notary faithfully (*ante*, p. 336.) Caution for George Sutherland.

Fol. 2.

Discharge by Mr George Haliburtoun, on behalf of Robert Alexander and "all otheris the skipperis and marineris of Kinghorne and Brunty-land who wer tane and robbit of thair goodis upoun the coast of the Lewis be the traytouris and rebellis of Yla, in favour of Johnne Shaw, *alias* Johnne M°Angus V°Coneill V°Evir," releasing him from the Tolbooth of Edinburgh "but ony cautioun."—The original was written by James Anstruther, servitor to Alexander Cwnninghame, writer, and witnessed by the Earl of Dunfermelyne, Mr James Reach [Raith ?], [his servitor ?], James Kay, advocate, Andro Sym, and the said James Anstruther. 8th April 1618. Discharge for release of John Shaw, *alias* MacAngus.

Commissions. Fol. 47, b.

Licence, under the Signet, signed by the Chancellor, Binning, and Sir William Oliphant, is given to Waltir Hendersoun of Grantoun to go abroad and remain for three years without skaith. 9th April, 1618. Licence to Walter Henderson.

Cautions 1618. Fol. 2, a.

This day Mr James Lawtie, advocate, as procurator for William, Lord Blantyre, and George Gordoun of , gave in a document for registration bearing that they had become cautioners for George Gordoun of Geycht that he shall not molest James Cwming in . . . ., Johnne Andersone, George Grede (?) . . ., Williame . . of Methlick, James Hay in . . . Methlick, George, his brother, Johnne Raith there, and . . . . ., their families and tenants. 10th April 1618. Caution for George Gordon of Gicht.

Fol. 3, a.

The act of caution, which was written by Thomas Crombie, writer, was signed at Leyth on 10th April 1618 by the said parties before Mr Andro Skene of Chapeltoun, Mr James Buchane, son of the Laird of . . , William Hammyltoun, "my servitor," and Alexander Blair .

Williame Porteous of Glenturk[1] becomes cautioner for Alexander Stewart of Fallishoip, and he for Johnne Stewart, son of the late . . Stewart, brother of James Stewart of Tynnes, in £500 (?) each, that they shall appear, at the instance of Sir . . . of Schilinglaw, to answer anent the slaughter of . . . . (*Cf. ante* p. 337). 13th April 1618. Cautions for Stewart of Fallshope and John Stewart.

[1]Autograph.

17th April 1618. Caution for Alexander Morton in Grenan.

Cautions 1618. Fol. 3, b.

Caution by William M^cKie, tailor, burgess of Edinburgh, in 100 merks, for Alexander Mortoun in Grennan, to appear on 18th June and answer the complaint of Andro M^cChortour, officer in Bordland of Ramestoun, M^cCormok there, Issobell M^cClellane, relict of William Shortt in Barleyriche, Edward Donaldsoun in , and Jonett M^cIlroy in Culterych, that he had assaulted them, and to pay £10 to the Treasurer for his escheat goods [*ante*, p. 321].

Edinburgh, 22nd April 1618.

Acta Sept. 1617–July 1620. Fol. 137, b.

Sederunt—Chancellor; Wyntoun; Tullibardin; Laudirdaill; Binning; Master of Elphinstoun; Treasurer-Depute; Justice Clerk; Advocate; Bruntiland; Ridhouse; Medop; M^r Petir Rollok; Marchinstoun; Sir Andro Ker; Conservator.

Royal Warrant for releasing John Buchanan from all restraint on his future liberty of residence and movement anywhere within Scotland.

This day the Lords order the release of Johnne Buchannane, (*see* vols. VIII. and IX. by the indexes) in accordance with the following letter:—"Right trustie and right weilbelovit cosen and counsallour, and trustie and weilbelovit counsalloris, we grite yow weele.—Whereas most humble and earnist suite haith bene maid unto us by oure darrest bedfellow the Queene in the behalf of Johnne Buchannane, some tyme oure servand, desyreing that he may be fred frome [the] restreant of his libertie whiche presentlie lyeth upoun him, [we] have thocht goode, with advise and consent of our said d[arrest spouse], to grant unto him libertie and licence to repair to ony pairt, place, or placeis within that oure kingdome of Scotland, and thairin remane and do his lauchfull effairis at his pleasoure as freelie as ony uthir subject whatsoevir. And thairfore we are weele pleased that ye repeale all actis of Counsell enforceing his restreaint, and sett him at full libertie to remayne or repair to ony place or placeis of that oure said kingdome whiche he sall think most convenient. And, not doubting of your conformitie to oure pleasoure in this poynte, we bid yow fairweele. At oure mannour of Theobaldis, the xxvjth of Marche 1618."[1] Fol. 138, a.

Edinburgh, 22nd April 1618.

Decreta Nov. 1617–Nov. 1618. Fol. 233, b.

[Sederunt as recorded above.]

Caption against Robert Fraser for debt to Adam Bothwell.

Complaint by Adam Bothwell of Quhelpsyde that Robert Fraser of Carnebulge remains unrelaxed from a horning of 18th October last for not paying £8 for each of 80 bolls of "cheritit beir."—Pursuer appearing by Alexander Mowat, writer, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against George Haliburton for

Complaint by Robert Home, indweller in Leith, that George Haliburtoun of Pinnekle remains unrelaxed from a horning of 25th April 1616, at the instance of M^r Waltir Scot, minister at Cassiltoun, for not Fol. 234, a.

[1] John Buchanan, tried in 1608 for complicity with his wife, Margaret Hartsyde, one of the Queen's waiting-women, for alleged theft of the Queen's jewels, had been living in confinement ever since,—first within the bounds of the Orkneys and Shetlands, but afterwards within enlarged bounds. For particulars of the original case, and subsequent notices of Buchanan, see *ante*, vols. viii. and ix. by the Indexes.

Decreta Nov 1617–Nov. 1618.

paying to him as assignee constituted by Gilbert Ellote of Stobbis, the sum of 2000 merks of principal and 100 merks of expenses. Pursuer had purchased the letters of disposition and assignation on 9th October 1616. —Pursuer appearing by Johnne Cunynghame, and defender not appearing, the Lords give order as above. debt to Robert Home.

Fol. 234, b.

Complaint by George Ker, tailor, burgess of Edinburgh, that Johnne Sandielandis of Deidrig remains unrelaxed from a horning of 20th January last for not paying £180 of principal and 20 merks of expenses. —Pursuer appearing personally, and defender not appearing, the Lords give order as above. Caption against John Sandilands of Deidrig for debt to George Ker.

Fol. 235, a.

Complaint against Thomas Deanis, merchant burgess of Edinburgh, that the foresaid Laird of Dadrig remains unrelaxed from a horning on 21st March last for not paying 220 merks of principal and £20 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order as above. Caption against the same for debt to Thomas Deans.

Complaint by Johne Mule, tailor, burgess of the Cannogait, that Sir Alexander Hammiltoun, younger of Innerweik, knight, remains unrelaxed from a horning of 28th March last for not paying to pursuer and Bessie Pringle, his spouse, the sum of 332 merks and £50 of expenses.— Caption against Sir Alexander Hamilton for debt to John Mule.

Fol. 235, b.

Pursuer appearing personally, and defender not appearing, the Lords give order as above.

Complaint by Andro Wilsoun of Garglane that Sir Thomas Kirkpatrik of Cloisburne, knight, remains unrelaxed from a horning of 16th September 1617 for not fulfilling the conditions of an obligation dated

Fol. 236, a.

12th April 1595.—Pursuer appearing personally, and defender not appearing, the Lords give order as above. Caption against Kirkpatrick of Closeburn for non-fulfilment of an obligation.

Complaint by Duncan Richie, messenger in Edinburgh, and Johnne, Thomas, James, George, and Patrik Kyll, executors of the late Beatrix Aytoun, their mother, as follows:—Johnne Aytoun in Haddingtoun having neglected to pay £100 of principal and 40s. of expenses to the said executors according to a decreet of the Commissaries of Edinburgh, pursuer was employed to execute a precept of poinding. He went on 1st April, with a few witnesses, to defender's barn in Haddingtoun, "for poinding of the quheit, beir, aittis, peis, and stray being thairintill." The doors being shut, pursuer was about to break them open with a forehammer, when defender, accompanied by "a nowmer of the rascall people, bothe men and weemen, inhabitantis within the said town," arrived at the place, armed with forks, staves, and other weapons. They assaulted pursuer, struck him on the breast with their "nevis," took the hammer from him, pulled him from the door, misused his witnesses, and chased them from the barn.—The said Duncane appearing for himself and pursuers, and the said Gilbert also being present, the Lords assoilzie defender, because pursuers have failed to prove their case. Duncan Ritchie, messenger, and others, against Gilbert Aytoun in Haddington for assault.

Fol. 236, b.

Complaint by the King's Advocate that the following persons have contravened the acts and proclamations anent the homebringing and

Fol. 237, a.

sale of tobacco to the extent underwritten:—Johnne Somervell, The Lord Advocate against a number of

persons in Edinburgh, Leith, and the Canongate, for illegal import and sale of tobacco.

skinner, burgess of Edinbrugh; Robert Leyth, merchant burgess there; William Huttoun, merchant there; Andro Swanstoun there; Johnne Calder in Leith; Margaret Dryisdaill there; Issobell Cowstoun, servant of Thomas Robesoun in the Cannogait; Cristeane Young there; Mungo Mure, cooper there; James Young, tailor there; Johnne Porteous, tailor there; Gilbert Stirling, tailor there; Alexander Quhyteheid there; and Johnne Thomesoun there: who have each dealt in 10 stone weight of tobacco and have sold it at 16s. the ounce.—Pursuer appearing personally, and all the defenders, except William Huttoun and Andro Swanstoun, appearing, the Lords find that the said Johnne Calder has bought and sold 16lbs. at 35s. the lb., the said Margaret Dryisdaill 3½lbs. at 4s. the ounce, the said Issobell Coustoun ½ stone at 6s. 8d. the ounce, the said Mungo Mure,—"at the least Isobell Andirsoun, his spous,"—3 lb. at £5 the lb., the said Johnne Porteous 3lb. at £5 the lb., the said Alexander Qyhytheid 2lb. at £5 the lb.; and they order the said persons to pay over the prices of the said quantities to the Treasurer. The Lords find that the said William Huttoun and Andro Swanstoun have each sold 10 stone weight at 16s. the ounce, and order them to pay over the price of the said quantity. The said absentees had been charged on 18th April to appear this day by James Douglas, macer, with certification that if they did not appear they should be held to have confessed. The Lords assoilzie Cristeane Young, James Kintor, her spouse, James Young, Johnne Thomesoun, and Gilbert Sterling, because each has denied the charge on oath.

Decreta Nov. 1617–Nov. 1618.

Fol. 237, b.

Fol. 238, a.

Similar charge against persons in Kirkcaldy.

Similar charge against Cuthbert Broun, burgess of Kirkaldy, Niniane Mure, merchant burgess there, and Johnne Palmer, merchant burgess there, for selling 10 stone weight of tobacco at 16s. the ounce.—King's Advocate appearing, and defenders, except Niniane Mure, also appearing, the Lords find that the said Cuthbert has bought and sold 5lb. at 5s., 6s., and 2s. the ounce, and the said Johnne 1lb. at 6s. the ounce. The Lords decree respecting them as above; as also in the case of the said Niniane by default. The said Niniane had been summoned on 18th Aprile by William Symsoun, messenger.

Fol. 238, b.

Commission to the Sheriff of Cromarty and others for the trial of Andrew Ross and others for house-breaking and robbery.

Commission under the Signet, signed by the Chancellor, Binning, Wintoun, and Lawderdaill, is given to the sheriff of Cromartie, and his deputes, Johne Monro of Lymlair, and William Ros, apparent of Innercharroun, to apprehend and try Andro Ros in Eister Raracheis, George Ros, his son, and Johnne Reid in Litle Allane, who were put to the horn on 19th July last, at the instance of Ferquhar Monro of Aldy, for not finding caution for their appearance before the Justice to answer the charge of having gone to the lands of Aldy on a night in March 1618 (1617 ?), broken into the barn, and stolen 4 bolls of bere, and of having gone again in October thereafter, and stolen a young black ox.

Commissions. Fol. 48, a.

Commission to Campbell of Glenurchy for the trial of Malcolm Sinclair for theft.

Commission under the Signet, signed by the same, is given to Sir Duncane Campbell of Glenurquhie to try Malcolme Sincler *alias* M°Calpine, his tenant, and Marie M°Innoyer, his wife, at present in the said Duncan's custody for the theft of sheep and other "goodis."

Fol. 49, a.

Minute Book of Processes.

The *Minute Book of Processes* gives the following memoranda collectively for the month of April 1618 :—

Deforcment: Duncan Richie against Gilbert Aitoun, &c.

Rebellion: Andro Wilson against Sir Thomas Kirkpatrik.

Letteris: Advocatt against importeris and ventneris of tobbacco.

Letteris: Advocatt against Thomas Simson, merchand, for not giving up ane true entery to the custumeris.

Rebellion: Johne Muir against Sir Alexander Hamiltoun.

Rebellion: Thomas Deanes against Johne Sandilandis.

Rebellion: Adam Bothwell against Robert Fraser.

Petition: Thomas Adamson against Baylie Lourie, to be putt to liberty.

Rebellion: Robert Hoom against Georg Halliburtoun.

Deforcment: Alexander Annand against Philorth and his complices.

Caution 1618.

Caution by Johnne Mule, burgess of the Cannogait, in £500 for Andro Paull, and 300 merks for each of his brothers David and William, not to molest James Durhame of Pitt . ., his sons, and others.

Signed—Johnne Muill.

5th May 1618. Caution for Andrew Paull and his brothers.

Borders. Fol. 60, b.

"Richt trustie and rycht weilbeloveit cousen and counsellour, and rycht trustie and weilbeloveit counselloris, we greit yow weill.—Oure Secretarie, according to our directioun then sent unto him, haveing acquentit yow with the occasioun moweing us so long to delay to wreit to yow anent your answeris returneit to the resolutionis of our Counsell heir tuiching the governament of the Middle Schyres; whiche being pairtlie removed by your not of the last of Merch explaneing quhat we held doubtfull thairin, and we haveing gevin ordour to the Lord Cheife Justeice of this our kingdome and utheris to whome it apperteineth to considder of suche other thingis as, besydis the particularis of the saidis resolutiones and declaired(?) by your answeris to be expedient for the better governament of the afoirnameit plaices: it now resteth that we acquent yow with our opinioun of your ansuer to the 13th article of the saidis resolutiones for sending the most notorious leude leiveris in the Middle Schyres into Virginia or to some remote pairtes to serve in weares or in coloneis,—which in your ansuer is declaired unnecessarie in that our kingdome. Bot in this we cannot omit to tell yow that your judgment seimes to us strang and unadvyseit. For, as it is better that thair sould be no thift nor murdour, and generallie that thair sould [be] no vyce, then that theives and murderairis and other malefactoris sould be thairfoir punisched be the hand of justeice, so the course prescryved be the said article (howsoeuir held unnecessarie by yow) is the rather to be allowed and imbraced, becaus the cheife intent and meaneing thairof is to prevent the effect of suche leudnes and disordoris by purgeing these pairtes of suche leude persones, as the verrie caus and infectious seid of such corruptioun that being sufferrit can produce no better fruittes nor these plaices have beine heirtofoir too fertile of. And, that the necessitie thairof may the better appeir, we have thocht guid to remember yow of the lyk instance in our

Whitehall, 6th May 1618. Royal Letter to the Council intimating his Majesty's dissatisfaction with the objection made by the Council to the particular article in the new resolutions for the Government of the Middle Shires which proposed the exportation of "notorious lewd livers" in these shires to Virginia or other remote colonies, and asking the Council to change their opinion on that point.

course takin with the Clanegregoris childrene. Whairfoir, not doubting bot ye will alter your foirsaid opinioun, and so gif ordour that the course prescryveit be the said 13th article may be furthwith commandit and dewlie obeyit thair, in that assuirance we bid yow fairweill. Frome Whythall, the sext of May, 1618." Borders.

Edinburgh, 13th May 1617.

Sederunt—Chancellor; Treasurer; Wyntoun; Lynlithqw; Laderdaill; Binning; Lord Erskine; Lord Flemyng; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Advocate; Kilsyth; Bruntiland; Ridhouse; Sir George Erskine; M^r^ Petir Rollok; Conservator. Acta Sept. 1617–July 1620. Fol. 138, a.

Approbation of two standard models of the "pint-stoup" produced before the Council by the Burgh of Stirling, with order that these be deposited in the Castles of Edinburgh and Dumbarton as warranted measures for all time coming, and with payment of £100 to the magistrates of Stirling for their pains in the matter.

"The quhilk day in presence of the Lordis of Secrite Counsaill compeirit personalie Johnne Scherare, baillie of the burgh of Striviling, and Johnne Williamesoun, clerk of the said burgh, and, for obedience and satisfactioun of the act and ordinance maid and sett doun be the commissionaris nominat be the laite Parliament for reduceing of the haill mettis and measouris of this kingdome to one conformitie, and conforme to ane missive lettir direct and send to the provest and bailleis of the said burgh from the saidis Lordis of Secrite Counsaill, brocht, produceit, and exhibite before the saidis Lordis tua standartis of the pynte stoupe maid in brasse, to the effect the same micht be send to the castellis of Edinburgh and Dunbertane, thair to remane as warrandis of the stoupe in all tyme comeing. Quhilkis standartis being tryit and examinat this present day be Sir James Foullis of Colintoun, Sir Robert Stewart of Schillinglaw, James Neisbitt, burges of Edinburgh, and some otheris of the saidis commissionaris, thay fand that the same wer aggreable and ansuerable in everie pointe to the reule and ordoure sett doun be the saidis commissionaris in thair act and ordinance maid heiranent, and did not exceid the same in ony joyte, as the saidis Sir James Foullis of Colintoun and James Neisbitt, who bothe compeirit personalie before the saidis Lordis, did declair and testifie in thair presence and audience. And thairfore the saidis Lordis deliverit the saidis tua standartis to Sir Gedeoune Murray of Elibank, knycht, Deputie-Thesaurair, and gaif directioun to him to send ane of thame to the said Castell of Edinburgh and ane uther of thame to the said castell of Dunbertane, thair to remane as warrandis of the stoupe in all tyme comeing. And the saidis Lordis findis and declairis that the provest and bailleis of Striveling had done thair dewtie in the premisis, and exoneris thame thairof be thir presentis, and ordanis his Majesteis Thesaurair and Deputie-Thesaurair and ressavearis of his Majesteis Rentis to mak payment to the saidis provest and bailleis of the sowme of ane hundreth pundis, as for the price of the standartis foirsaidis and for the chairges and expensis of bringing of thame to this burgh. Anent the payment quhairof the extract of this act, with the acquittance of the said Johnne Sherair, salbe unto the saidis Thesaurair, Deputie-Thesaurair, and ressaveairis ane sufficient warrand." Fol. 138, b.

Charge to all

"Forsamekle as the first day of Junij now approcheing is appointit

Acta Sept. 1617–July 1620.

for the nixt sitting and meiting of the Commissionairis who are nominat be the Parliament for Plantatioun of the Kirkis; quhilk being a mater most acceptable unto God and requireing a quick and reddy dispatche and executioun, seeing the ministeris and otheris whome it concernis may not attend and await ony long tyme thairupoun without thair grite hurte and inconvenient and disapointing of the flockis and congregationis quhairof the ministeris hes the chairge of the comforte of the Worde and benefite of the Kirk: and whereas the saidis Commissionaris did verie solemnelie promeis and sweir in presence of his Majestie and his Estaitis that thay sould preceislie keepe all the dyettis, tymes, and meetingis for that eirand without weyreing: thairfore the Lordis of Secrite Counsaill ordanis letteris to be direct to command and chairge the haill Commissionaris for the clergye, nobilitie, baronis, and burrowis, nominat and appointit be the Parliament to attend the godlie and worthie worke foirsaid, that thay and everie ane of thame, all excuisis sett asyde, addresse thame selffis in dew and lauchfull tyme to [the] said burgh of Edinburgh agane the said first day of Junij [nixt]tocome, and attend and await upoun the executioun of the said Commissioun, and for bringing of the same to ane guid and happie [con]clusioun, undir the pane of rebellioun &c.;—with certificatioun [to] thame and thay failyie that not onlie sall letteris be direct to denunce thame rebellis and put thame to the horne, bot with that thay salbe utherwyse punist in thair personis as con-[traveenaris] of his Majesteis auctoritie and disapointairis and hinderairis [of the] dew executioun of the chairge commitit to thame."[1]

the Commissioners appointed by Parliament for the Plantation of the Kirks to attend without fail the meeting of the Commission to be held in Edinburgh on the 1st of June next.

[1] The Commission for the Plantation of the Kirks, consisting of eight prelates, eight nobles, eight lairds, and eight burgesses, had been appointed, it is to be remembered, by an Act of the Parliament of June 1617 in which the King was personally present (*ante*, p. 163, footnote). As the business of the Commission was nothing less than a survey and revision of the ecclesiastical condition of all Scotland with a view to the proper equipment of the whole country with parish churches, the raising of the stipends of underpaid parish-ministers, and the due sustenance in every way of the clergy in their clerical duties, the proceedings of the Commission had naturally been of great interest to the clergy in particular. There had been danger, however, that the proceedings would be stopped altogether in consequence of the King's anger with the body of the clergy for their obstructive, or at least dilatory, behaviour in the matter of Five Articles of new Church order and ritual which he had resolved to carry into effect whether they would or no, but to which it would be agreeable to him to have their consent. Not only had he tried to coerce the clergy into such consent by threatening to withhold the stipends of such of them individually as were recalcitrant; he had also signified that he was in no mood to allow the Commission for the collective improvement of the circumstances of the clergy by the augmentation of defective salaries, &c., to go on with its work in the face of so much opposition from those who were to be benefited. This we learn very definitely from Spotswood. There had been a meeting of the Bishops, Spotswood informs us (p. 536) at Edinburgh on the 29th of January 1618, at which, "considering the hurt that the Church "might receive if the Commission granted in "Parliament for provision of ministers (which "was to expire at Lambmas next) should take "no effect, they did by a common letter in-"treat his Majesty for a warrant to proceed "in that Commission, giving hopes that in "their synods [the diocesan meetings of the "clergy] they should induce the ministers to "obey. The answer returned in February "next was to this effect:—That, howbeit his "Majesty did interpret well *their* doings [the "doings of the Bishops], as intended to the "good of his service, yet, considering the "obstinate resistance of the ministers to all "his just and religious desires, he could not "expect anything from them in their meet-

Edinburgh, 13th May 1618.

[Sederunt as recorded above.]

Decreta Nov. 1617–Nov. 1618.

Caption against Charles Pott in Kelso for debt to Alexander Menteith.

Complaint by Alexander Menteith, merchant burgess of Edinburgh, that Charlis Pott, indweller in Kelso, remains unrelaxed from a horning of 9th January last for not paying £118 of principal and £20 of expenses. —Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 239, a. Fol. 239, b.

Caption against William Kirkpatrick of Kirkmichael for debt to the representatives of the late Sir Alexander Kirkpatrick of the same.

Complaint by Alexander Kirkpatrik, son of the late Sir Alexander Kirkpatrik of Kirkmichaell, knight, and Dame Margaret Hammiltoun, relict of the latter, as "tutrix testementair," that Williame Kirkpatrik of Kirkmichaell remains unrelaxed from a horning of 30th April last for not delivering to them the teind sheaves, both parsonage and vicarage, of the lands of Kirkmichaell and 40s. land of the Kirkland of Kirkmichaell, "wranguslie spoilyet and awaytakin fra the said Alexander," or paying the price of the same, together with £10 of expenses of plea and £5 to the Lords' collector.—Pursuer appearing personally, and defender not appearing, the Lords give order as above.

Caption against Philip Nisbet, burgess of Banff, for debt to Patrick Forbes.

Complaint by Patrik Forbes, merchant burgess of Edinburgh, that Phillip Neisbitt, merchant burgess of Banff, remains unrelaxed from a horning of the last day of February last for not paying £320 of principal and £40 of expenses.—Pursuer appearing by Andro Adamsoun, and defender not appearing, the Lords give order as above. Fol. 240, a.

Caption against Robert Montgomery of Haltoun for debt to Mr. Robert Bruce.

Complaint by M[r] Robert Bruce, "minister of Godis word," that Robert Montgomerie of Haltoun remains unrelaxed from a horning of 19th May 1615 for not paying 23 bolls of bere, 8 bolls of wheat, and 4 bolls of oatmeal, as a part of the teind duty for 1613 of the town and lands of Newtoun of Abirbrothok, "assignit to the said complenair in pairt of payment of his lyfrent stipend furth of the thridis of the abbacie of Abirbrothok," and also for not paying 72 bolls of bere, 24 bolls of wheat, and 12 Fol. 240, b.

"ings but a further expression of their former "misbehaviour. Nottheless, as he had once "already, upon the Archbishop of St. An- "drews his entreaty, suspended the execu- "tion of his last directions, so at their "requests he was pleased that the Commis- "sioners for Stipends should meet and go on "with the providing of churches,—they [the "Bishops] in the meantime, in their own "persons and in their own Cathedrals, ob- "serving the festivities that should inter- "vene between and the Synods [*i.e.*, be- "tween February and the dates of the meet- "ings of the several diocesan synods], and "ministering the holy communion with the "reverence required [*i.e.*, kneeling] at the "feast of Easter next. Thus were maters "pacified for that time, and the Commission "for augmentation of stipends by the war- "rant of this letter put in practise." The Bishops, as we have seen, had obeyed his Majesty's injunctions as to their own conduct at the recent Good Friday and Easter ceremonial; and the Commissioners for the Plantation of Kirks had been meeting with more or less assiduity. They were to be stimulated to greater assiduity by the Act recorded in the text; but Spotswood's account is generally to the effect that there was little or no result. "Most of the next summer [*i.e.*, of "the summer of 1618] was spent in that "work, but with greater detriment than "benefit to the Church; for, what augmen- "tation soever was granted, the same was re- "compensed to the givers [*i.e.*, to the nobles "and lairds out of whose pockets it nomin- "ally came] by prorogation of their former "leases, and thereby the Church more dam- "nified than bettered."

Decreta Nov. 1617-Nov. 1618.

bolls of oat meal due from the same lands for 1614.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order as above.

Fol. 241, a.

Caption against Tweedie of Dreva and his son for debt to Rachel Wilson.

Complaint by Rachaell Wilsoun, relict of William Harper, merchant burgess of Edinburgh, and Thomas and Rachaell Harper, her children, that James Twedy of Dreva, as principal, and Johnne Twedy, his eldest son and heir, as cautioner, remain unrelaxed from a horning of 26th March last for not paying 500 merks of principal, and £40 of expenses, together with 50 merks of annualrent for the said principal.—Pursuers appearing by James Drummond, and defenders not appearing, the Lords give order to the Captain of the Guard as above.

Fol. 241, b.

The King's Advocate against certain persons in Edinburgh and the Canongate for illegal import and sale of tobacco.

Prosecution of the following persons by the Lord Advocate for contravention of the acts and proclamations anent the sale of tobacco:—Johnne Wickitschaw, merchant burgess of Edinburgh, Helene Skarlet, relict of Fischer, merchant burgess there, Cristeane Stodman, relict of Alexander Stewart, merchant burgess there, Johnne Veitch, younger, merchant burgess there, Elspeth Wallace, relict of Adam Finlasoun, merchant burgess there, Robert Keyth, merchant burgess there, Johnne Lawsoun, merchant there, Johnne Edyer, merchant there, and Johnne Sandis, tailor, burgess of the Cannogait. Each one is charged with having sold 10 stone weight at 16s. the ounce.—Pursuer

Fol. 242, a.

appearing personally, and the defenders, except Johnne Edyer, appearing, the Lords find that defenders have sold the following quantities at the undernoted prices,—the said Johnne Wickitschaw, 4 lb. at £8, Helene Skarlet, 11 ounces at 6s. 8d. the ounce, Johnne Lawsoun, 8 lb. at 8s. the ounce, and Johnne Sandis, 2 lb. at 10s. the ounce,—and order them to pay the price of the said quantities to the Treasurer. The Lords find said John Edyer guilty of having sold 10 stone weight at 16s.

Fol. 242, b.

the ounce, and order the forfeiture of the price of the same, because, though summoned by Thomas Lamb, messenger, on 11th May, he has failed to appear to make answer to the charge. The Lords assoilzie the other defenders, because they have denied the charge on oath.

Suspension of horning against Alexander and John Stewart charged by Sir Robert Stewart to answer in the case of the slaughter of the late David Stewart.

Complaint by Alexander Stewart of Fallishoip and Johnne Stewart, son of the late David Stewart, brother of James Stewart of Tynnes, that they have been put to the horn wrongously at the instance of Sir Robert Stewart of Schillinglaw, knight, for not appearing to answer the charge of having refused to subscribe a letter of slanes anent the slaughter

Fol. 243, a.

of the said David (*ante*, p. 337). Pursuers plead that they were not lawfully charged, but had found caution in 500 merks each to appear this day, and each to pay £20 for his escheat.—Pursuers and defender appearing, the Lords, in respect of the appearance of pursuers, and because they have signed the letter of slanes in their presence, suspend the said process.

In the case of Gilbert Wilson, merchant of

Action by Gilbert Wilsoun, merchant burgess of Peterco in Poilland, against M^r^ Patrik Gordoun, "agent for oure Soverane Lord the Kingis

Fol. 243, b.

Majestie in the kingdome of Poili" (*ante*, p. 174).—The case having been

Peterco in Poland, against Mr. Patrick Gordon, agent for his Majesty in the Kingdom of Poland.

called on 3rd July last, and both parties being then present, Mr Patrik had alleged that the foresaid sum "wes not payit unto him be the said Gilbert for the caus abonewrittin, bot that the said Gilbert maid conditioun of the said sowme unto the said Mr Patrik for his deliverie to the said Gilbert of foure infamous letteris writtin be the said Gilbert aganis the said Mr Patrik and in his disgrace and prejudice, and to the effect the said Gilbert micht be reconsiliat with him." The Lords thereupon had "admittit the same to the said Mr Patrik his probatioun before the burrowmaisteris of the toun of Danskeene, seeing the personis whome he gaif up to the saidis Lordis and wer admitit be the said Gilbert as witnessis for preving of the said exceptioun wer resident in the toun of Danskeene or some other pairt thairabout, sua that thay could not compeir before the saidis Lordis to depone in this mater." The Lords had fixed the 29th of April last as the day on which Mr Patrik should hand in his report,—the sum of 700 merks to lie meanwhile in the hands of the Clerk of Council.—This day the said Gilbert appearing by Mr Lues Stewart, advocate, and David Mitchell, merchant burgess of Edinburgh, "who lykwyse attendit and awaitit upoun this mater the said xxix day of Aprile last, bot in respect of the not convening of the Counsell thair wes nothing done that day," and Mr Patrik Gordoun not appearing nor reporting the depositions of the witnesses, the Lords order James Prymrois, Clerk of Council, to deliver the money to the said Gilbert Wilsoun.

Decreta Nov. 1617–Nov. 1618.

Fol. 244, a.

Submission of the dispute between Sir Lauchlan Mackintosh and James Stewart (called "of Jerusalem") anent satisfaction to be given to the said James and other Stewarts for the slaughter of Walter Stewart, burgess of Inverness, by John M'Coneill M'Eane M'Phail.

This day appeared Sir Lauchlane McIntosche of Dunnauchtane, for himself and Johnne McConeill McEane McPhaill in Wester dawacheland of Wester Cullodin, on the one part, and James Stewart, called "of Jerusalem," (see *ante*, vol. x. by index) for himself and Stewart, son of the late Waltir Stewart, burgess of Innernes, brother of the said James, and for the children of the said Waltir, on the other part, and submitted themselves to the Lords anent the satisfaction to be made by the said Sir Lauchlane to the said Stewart and other children of the late Waltir for the slaughter of their said father by the said Johnne McConeill (for which he is denounced rebel) and anent the discharge to be given to the said James and his friends for the same.—The Lords, having heard both parties, decern the said Lauchlane to pay the sum of 1000 merks to the other party before Martimas, and to consign it to the care of the Clerk of Council, in order that it may be delivered to the curators of the children; also, 100 merks to the said James Stewart for his expenses in his pursuit of the said Johnne, &c. They also order the said James to subscribe a letter of slanes, and to cause his brother's children subscribe the same, in favour of the said Johnne McConill McEane, and to give it to the Clerk of Council for delivery to the said Johnne.

Fol. 244, b.

"Most Sacred Soverane,—We ressaveit your Majesteis letter of the sext of this instant [*ante*, p. 353] contening your Majesteis oppinioun and censure of our answer to the xiij article of these resolutiounes tuiching the governament of the Middle Schyres, for sending of the most notorious and leude persones of

Borders. Fol. 60, b.

Borders.

these boundes to Virginia or sum other remot pairtis to serve in the weares or in colonyes. Quhairin as, with all dew respect and regaird, we acknowledge your Majesteis most juditious and singular judgment and do submitt our selffis thairunto, yit we have heirby thocht meitt to present unto your Majesteis consideratioun the causis moveing us to answer the said article in the consavit and sett doun thairanent,—to witt, that, after conferrence haid with the Commissioneris of the Middle Schyres, whome this mater cheiflie concerneit, we fand that thair wes few or no persones at all on this hand that wald be subject to the conditioun of that article; for oure Bordoures, praisit be God, ar reduced to that obedience and quyetnes as all the landislordis hes undertaine to be ansuerabill for thair awin men and to mak thame obedient to law and justeice, and quhenas any malefactoris ar takin they ar put to thair tryall and condignelie punisched. And, gif notice sould have beine gevin of this intendit cours to those quho afoir your Majesteis going to England wer in danger of the lawes for auld deidis and sensyne hes beine peaceable and obedient, it is lyke aneuche that nomeberis of thame, apprehending that this course wes intendit aganis thame, wald mak chose rather to become fugitives nor to abyde the haisard of that article. And this maid us to gif answer to that article as said is. And, since we fand your Majestie constant in that resolutioun upoun the guid and worthie respectis contenit in your letter, we sall accordinglie conforme oure selffis to your Majesteis royall plesour thairintill. And so, with our humble and ernest prayeris unto God for your Majesteis lang and happie regne, we rest. *Sic subscribitur.* CHANCELLOR; MAR; BINNING; SIR W. OLIPHANT; SIR J. MURRAY. Daitit at Edinburgh the xiij day of Maij 1618."

Fol. 61, a.

Letter from the Council to His Majesty, in answer to his Majesty's censure of their objection to the article respecting the future government of the Middle Shires authorising the banishment of persons of notorious bad character in these shires to Virginia and other distant parts.

Fines.

Fol. 38, a.

Complaint by the King's Advocate that Alexander Sowtar in Dykintoun, under the Laird of Bagillo, James Halket, wright in Megle, Henrie Haliburtoun in Eleitt, William Hill, younger, in Couper Grange, William Spalding in the Peris of Bennete, Johne Makmikill in Glenylay, William Makmikill there, David Ogilvie, younger of Bellitey, Robert Ogilvy in Newtoun, Hercules Guthrie, and Guithrie, his son, Oliphant, son of Patrik Oliphant of Denney(?), Johne Edward in Glenprosin, William Wilsone there, Johne Mitchell in the Neidis of Glenylay, Thomas Mitchell there, David and James Ogilvy, sons of the said David Ogilvy of Bellitey, Robert Ogilvy, son of the said Robert Ogilvy in Newtoun of Glenylay, David Ogilvy, also his son, Duncane Bresache in Innerraritie, James Hall *alias* "Guid Lad" in Innerraritie, Alexander Gilbert in Glendoaille, Johne Edward in Rentilive in Glenprossin, James Edward, his son, David Edward there, Johne Finlay in Nethertoun of Glenprossin, Henrie Kinyeoche in Burnesyde of Glenprossin, Andro Udward at the Insche Mylne of Glenprossin, and William Finlay in Pitkerritie have during the past twelve months carried hagbuts and pistollets, under pretence of shooting wildfowl and venison.—Pursuer appearing, and Henrie Halyburtoun, Johnne Michell, David Ogilvie of Bellitey, David, his son, Robert Ogilvie, son of the goodman of Newtown, Duncan

Fol. 38, b.

Government prosecution of a number of persons for illegally carrying and using firearms.

Bresache, Johne M^cNicoll in Dalbeine, James Hall, Henrie Kenyeoche, Andro and Johne Edward, and William Hill being also present, and the said Johne M^cNicoll in Glenylay, Alexander Gilbert in Glendalie, James Edward, David Edward, William Finlay, James Hackit, and Alexander Sowter not appearing, the Lords find that the said Henry Halyburtoun, David Ogilvie, son of David Ogilve of Bellitie, Robert Ogilvie, son of the goodman of Newtoun, Johne M^cNicoll in Dalbeine and Andro Edward have violated the acts anent hagbuts, and that they have shot wildfowl, and order them to pay a fine of 10 merks each and not to leave Edinburgh till they have paid the same. They assoilzie John Mitchell, David Ogilvie of Bellitie, Duncane Bresache, James Hall, Henry Kenyeoche, William Hill, and Johne Edward, because they have denied the charge on oath. They order the absentee defenders to be denounced rebels. Fines. Fol. 39, a.

Commission to Ramsay of Banff and Ramsay of Jordanstown for the trial of Agnes Darling for child-murder.

Commission under the Signet, signed by the Chancellor, Mar, Wyntoun, and Binning, is given to George Ramsay of Banff and Johnne Ramsay of Jordanestoun to try Agnes Darling in Foyll, who was lately apprehended on suspicion "that scho had devoirit and slane hir awne bairne, procreat be adulterie betuix hir and Robert Don in Tullimurdoche, spous to Jonet Hendirsoun,—quhilk bairne wes found lyand deid on the west pairt of Kirkland Bank of Alych torne with ravenous foullis." She has admitted the parentage and has confessed that she laid the child there as libelled Commissions. Fol. 49, b.

Commission to the magistrates of Edinburgh for the trial of certain thieves.

Commission under the Signet, signed as above, is given to the Provost and Bailies of Edinburgh to try Henry Andirsoun, James Thomesoun, Duncane M^cRobert, James Cochrane, Johne M^cIlvernour Johnne Sives, Margaret Davidsoun, Issobell Kirkaldy, Jonet Dik, and Margaret Bell, "commoun and notorious thevis and pykairis and ressettairis of thift," who have been in their custody for some time. Fol. 50, a.

Commission to Lindsay of Edzell and others for the apprehension of James Duncan, charged with the murder of Henry Fairweather.

Commission, signed by the Chancellor, Mar, Binning, and Sir W. Oliphant, is given to David Lindsay of Edzell, David Levingstoun, apparent of Donypace, Thomas Collace of Pitforkye, and Johnne Collace, his son and heir, to apprehend and deliver to justice James Duncane in Tullo, who was put to the horn on 28th April last, at the instance of Micable Downy, as relict, Johnne, David, James, Henry, and Robert Fairwedder, as sons, and the remaining kin, of the late Henry Fairwedder in Blairno, for not appearing to answer the charge of having murdered the said Henry. Fol. 50, b.

Bridge of Earn.

"Ane act and warrand to the Thesaurair-Depute for delyverie of iij^m merkis to the Lord of Scoone and provest and baillies of Perth for the brig of Erne." Sederunts. Fol. 24, b.

Conjunct Commission for the Middle Shires.

"The quhilk day the Conjunct Commissioun for the Middle Shyris wes broght heir and directioun gevin to append the Grite Seale thairto."

Cautions for David and Robert Ogilvie and others.

Caution by Johnne Ogilbie of Newtoun for David and Robert Ogilbie, his sons, 500 merks; by David Ogilbie of Bellatie for David and James Ogilbie, his sons, 500 merks; by Johnne M^cNicoll, younger of Glenmurkie, for Andro Edward in Inschemylne in Glenprotessen, and by the said Andro Cautions 1618.

Cautions 1618. for the said Johnne M°Nicoll, 200 merks each; and by the said Johnne M°Nicoll for his brother Williame, 200 merks,—not to bear hagbuts and pistollets (*ante*, p. 359).

Caution for John Finlay.

Caution by Johnne Finlay in Hillokis for Johne Finla in the Nether-toun of Crombye (?), 200 merks, not to bear hagbuts and pistollets.

14th May 1618.

Caution for Stewart of Fallshope.

Caution by Andro Ker of Newhall for Alexander Stewart of Fallishoip, 500 merks (*cf. ante*, p. 357).

19th May 1618.

Registration of caution by Robert Tweedie and Matthew Baillie for the indemnity of Baillie of Lethame and others.

This day Robert Hammyltoun, advocate, registers an act of caution for Robert Twedy and Mathew Baillie of Lytilgill for 1000 merks, that they shall not molest Johnne Baillie of Lethame, Mr James Baillie of Crumpcrank, Richard Jardene in Overhousis, and their families. The act written by Robert Hay, writer in Edinburgh, was subscribed at Edinburgh 19th May before David Ramsay, one of the King's Guard, Antoin Creichtoun, messenger, and Mr Alexander Hay and George Dowgall, writers in Edinburgh. Robert Twedy signs with the notary's help.

19th–25th May 1618.

Caution for Charles Murray.

Caution for Chairlis Murray by George Calder and James , 300 merks, not to molest Frances Wilkiesoun, burgess of Lawder, and James Wilkiesoun, his brother, and their families.

25th May 1618.]

Registration of caution for Alexander Shaw.

This day Mr Robert Narne, advocate, as procurator for principal and cautioner, registers an act of caution by Josephe Halden for Alexander Schaw of Camismoir, not to molest Johnne and his family. It is signed at Myretoun near Stirling on 23rd May 1618 before Williame Stewart of Garcheil, Alexander Barclay, writer in Striviling, Johnne Allane, his servitor, and James and Johnne Halden, sons of Joseph.

Acquittance for money received by James Stewart of Over Kincardine.

This day appeared James Stewart of Over Kincairdin and gave in an acquittance by him of hundred merks placed in the custody of the Council by [Sir Lauchlan M°Intoshe] of Dunnauchtane. It was signed by James Stewart before Johnne Balfoure, the writer of it, and Alexander Wylie.

29th May 1618.

Caution by Alexander Wilkiesoun, sheriff clerk of Selkirk, and Richart Lauder, burgess of Lawder, for James Wilkiesoun, brother of Frances

[1] The preceding day had been Whitsunday, one of the festivals of the year the observance of which the King was pressing upon the Scottish people. Calderwood, accordingly (vii. 297–8), notes at this point as follows:—
"About twentie days before Whitsonday the "King willed the Lords of Secrete Counsel "to prepaire themselfs, with their freinds "and followers, to communicate in the "Chappell Royall upon Whitsonday. So, "upoun Whitsonday, the 24th of Maii, the "Bishope of Gallowey ministered the Com-"munion in the Chappell Royall to the Chan-"celour, the President, the Treasurer-Depute, "the Advocate, and others the King's ser-"vants. The Bishope forbade the people to "scarre from communicating for the offering "that they were to give, seeing those that "offered little were notwithstanding accepted. "This day Mr. Patrik Galloway, teaching in "the Great Kirk of Edinburgh, alledgit, for ob-"servation of the five holie days urged by the "King, the exemples of the Primitive Kirk "and other Reformed Kirks; yit he confessed "the Kirk of Scotland needit them not. He "allowed teaching, and a text chosen for the "purpose, but not cessation from worke or "trading. This man seemed so precise in "former times that he wolde not eate of a "Christmas py."

Caution for James Wilkieson.

Wilkiesoun, burgess of Lawder, 300 merks, not to molest Chairlis Murray, burgess of Lauder, and his family (*cf. ante*, p. 361). Caution 1618.

1st June 1618. Acquittance by David Mitchell, burgess of Edinburgh, in name of Gilbert Wilson, merchant in Poland, for 700 merks received from the Clerk of Council.

This day M^r^ Lues Stewart, advocate, procurator for Gilbert Wilsoun, merchant burgess in Peterco, Poland, registered an act of procuratory in favour of David Mitchell, merchant burgess of Edinburgh, anent the 700 merks from Patrik Gordoun, as Gilbert fears he may be absent on the appointed day, "throw storme of wadder or utherwys throw outredding of my grite and weghtie affairis within the kingdome of Poill, quhair I am, God willing, to pas."—M^r^ Stewart also presented discharge by David Mitchell granting receipt of the 700 merks from the Clerk of Council (*ante*, p. 357). Fol. 6. Fol. 12.

Edinburgh, 2nd June 1618.[1]

Sederunt—Chancellor; Treasurer; Bishop of St. Androis; Lotheane; Binning; Carnegye; Lord Erskine; Master of Elphinstoun; Treasurer-Depute; Justice Clerk; Advocate; Kilsaythe; Medoip; Bruntyland; M Peter Rollok; Sir James Skeene. Acta Sept. 1617–July 1620. Fol. 139, a.

Lord Sanquhar admitted of the Council.

This day the Lords admitted Williame, Lord Creichtoun of Sanquhair, of the Council with the usual ceremonies, in accordance with the following royal letter:—"Right trustie and right weilbelovit cosine and counsellour, we greete yow weele. Being fullie perswadit of the sufficiencie and goode inclinatioun to oure service of the Lord Sanquhair, we have thoght goode to bestow on him a place in oure Previe Counsaill of that oure kingdome. It is thairfoir oure pleasour that yow caus the oathe accustomed in the like caises to be ministred unto him, and admitt him to oure said Counsell, to injoy all honnouris, digniteis, previlegeis, and immuniteis quhilkis onie other oure Counsellour enjoyeth be vertew of his place in oure said Counsell. For doing quhairof these presentis salbe

[1] It was about this time, Calderwood notes (vii. 298–301), that copies of a certain Declaration of the King, dated from Greenwich 24th May, which was greatly perturbing the Puritans in England, reached Scotland and caused sympathetic perturbation there. Fuller gives an account of it in his *Church History;* and the substance is as follows:—His Majesty, passing through Lancashire on his return journey from Scotland in the preceding year, had been making special inquiries into the ecclesiastical condition of that county, the rather because, at the time of his accession to the English crown, he had been informed that Popish recusants abounded more in Lancashire than in any other county in England. He had found that the number of Roman Catholics in Lancashire had since then considerably diminished, but that there were still too many of them; and he had come to the conclusion that one of the causes of their still being so numerous was the excess of Puritanic strictness among the Protestant clergy in that county in the matter of Sunday observance and the like. With his own ears he had heard the general complaint of the Lancashire people that they were "barred from all lawful recreation and exercise upon the Sunday afternoon,"—a strictness which had two bad effects. It gave occasion, on the one hand, to Roman Catholic priests to represent the Protestant religion as intolerably irksome, and so prevented many Roman Catholics from becoming Protestants who would otherwise have done so; and, on the other hand, by depriving working people of the only days on which they could have recreation and healthy exercise,—viz. Sundays and other Church holidays,—it drove them to "filthy tipplings and drunkenness" on those days, and to "idle and discontented speeches in their ale-houses." Considering all this, his Majesty

Acta Sept. 1617–July 1620.

unto yow a sufficient warrand. So we bid yow fairweele. Gevin at oure maunour of Theobaldis, the xiij of May 1618."

Decreta Nov. 1617–Nov. 1618.

[Sederunt as recorded above.]

Edinburgh, 2nd June 1618.

Fol. 245, a.

Sir James Erskine of Tullibody against David Bigholme and his son for trespass and violence.

Complaint by the King's Advocate and Sir James Erskin of Tullibodie, knight, that David Bigholme in Banchorie, and William Bigholme, his son, have on divers occasions carried hagbuts and pistoletts, "awaiting the opportunitie and occasioun of thair privat revenge aganis these with quhome thay had ony inimitie or querrel." After "mony contemptis and oppressionis commitit be thame upoun the said complenair and his tennentis by ryveing up of certane pairtis and portionis of his heritage and landis without forme or ordoure of law, whairwith frome tyme to tyme he comportit, being eschamit to entir in contestatioun with thame who are knowne to be personis of a swaggering humour," they, misconstruing complainer's long patience, and "apprehending thairby that thay micht als weele attempt aganis his persone as thay had injured him in his possessionis," went on 4th May last, armed with longstaves, &c., threatened the said Sir James on his own ground, "and did quhat in thame lay outher to have slane him or to have done him a grite effront and schame; quhilk thay had not faillit to have done wer not he in his just and lauchfull defence maid thame to acknowledge thair folie and raschnes and to content thame selffis to suppres thair bad humour. And, gif some course and ordour be not tane for suppressing of thair insolenceis, thay will not faill to overhaill and overthraw suche of thair nichtbouris as thay may be maisteris of."—Pursuers and defenders

Fol. 245, b.

appearing personally, the Lords assoilzie defenders, because pursuers have failed to prove their case.

Caption against Lord Torthorwald.

Complaint by Sir James Dundas of Arnistoun, knight, that James, Lord Torthorwald, remains unrelaxed from a horning of 17th April last

had now framed a Declaration of his royal will, to be applicable especially to Lancashire. After various injunctions to the Bishop in whose diocese the county was inincluded, and to the clergy of the county, it proceeded thus:—"Our pleasure likewise is "that after the end of the divine service our "good people be not disturbed, letted, or "discouraged from anie lawful recreation, "such as dancing, either of men or women, "archery for men, leaping, vaulting, or any "such harmless recreations, nor from having "of May-games, Whitsun-ales, and Morris-"dances, and the setting up of May-poles or "other sports therewith used, so as the same "be had in due and convenient time, with-"out impediment or neglect of divine service; "and that women shall have leave to carry "rushes to the Church for the decoring of it "according to their old custom: withal pro-"hibiting all unlawful games to be used on "the Sundays only, as bear-baiting, bull-"baiting, interludes, and (at all times on the "meaner sort of people by law prohibited) "bowling. And likewise we bar from the "benefit and liberty all such known Recus-"ants, either men or women, as will abstain "from coming to Church or divine service, "being therefore unworthy of any lawful re-"creation after the said service, that will not "first come to the Church and serve God; pro-"hibiting in like sort the said recreations to "any that, though conform in religion, are "not present in the Church at the service of "God before going to the said recreations."—Though this Declaration did not directly affect Scotland, the rumour of it added to the excitement in Scotland over the King's efforts to introduce Anglican forms and customs into the Scottish Church.

for debt to Dundas of Arniston.

for not paying £500.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Decreta Nov. 1617–Nov. 1618. Fol. 246, a.

Caption against Walter and George Ellis for debt to Robert Shang.

Complaint by Robert Shang, burgess of the Cannogait, that Walter Eleis, portioner of Damelitoun, and George Eleis, his son, remain unrelaxed from a horning of 1st April last for not paying £200 of principal and £40 of expenses.—Pursuer appearing personally, and defenders not appearing, the Lords give order as above.

Government prosecution of a large number of persons for illegal carrying of firearms. ("The fynes ar ij^{c} xxiij ℔. vj^{s} viij ₰.")

Complaint by the King's Advocate that David Spelding of Eschintullie, Patrik M^{c}Leith in Tamis of Glenschie, Richard M^{c}Eadowie in the Spittall, George M^{c}Eane V^{c}Condoquhy in Cuithill, Allaster M^{c}Condoquhy V^{c}[T]homas in Cuithill, Alester M^{c}Phatrik V^{c}Comeis in Storntoyne, Robert M^{c}Intosche in Dallinvugie, William Spelding in Innerriddie, Allaster Andersone there, William Ferquhair in Fyidingang, Patrik Tarlachsone in Lais, Johne M^{c}Intosche *alias* M^{c}Richie in Solzearie, David Weymes, son of James Weymis, at the Mill of Virrie, Allaster Robertsone in Downy, Robert Robertsone Reoch in Cultoleine, Johne Neilsone, son of Johne Dow Neilsone in Dalnagarden, Duncane Robertsone in Kirkmichaell, Allaster Robertsone, son of Duncane Neilsone, sometime at the Mill of Innerchroskie, Alexander Robertsone of Stratboth, Johne M^{c}Intosche *alias* M^{c}Eane in Dallcharne, Allaster Wilsone in Craiginache, Johne Stewart, son of Patrik Stewart of Stratloch, Johne Fleyming, portioner of Wester Innerchroskie, Johne Fleyming, son of Thomas Fleyming in Dalnabrek, James Stewart in Ferthergeill, Innes Dow M^{c}Condoquhy Newik in Ronroch, Thomas M^{c}Duff in Kirktoun of Weyme, Johne M^{c}Intosche in Tirrney, George M^{c}Intosche there, Alester M^{c}Robert V^{c}Condoquhy Stewart in Pitnesie, Thomas M^{c}Duff, natural son of Johne Roy M^{c}Duff, Johne Roy M^{c}Duff of Innerchadine, Donald Stewart in Innerwak, Donald M^{c}Allester, servitor to the Laird of Strewane, Johne Campbell in Urquhell, Duncane Stewart in Kinaird, Duncane Miller at the Mill of Turrereich, Duncane Miller there, Andro Dow M^{c}Keok in Trost, Robert Menzeis, son of M^{r} William Menzeis in Glenquaich, Alester Gow in Derculicht, Johne Syme in Persie, Johne M^{c}Inbruichy(?) in Delchoungie, Johne Dromond of Newtoun, Georg Drumond, his brother, Patrik Blair in Mylsyd of Ardblair, Thomas Wilsone in Quhytloch, David Moncuir in Godnis, William Horne in Kinloch, Donald Robertsone in Tulenedie, George Crokatt in Drumadertie, William Strang, younger, in Banblair, Johne Stewart in Cairdney, David Borrie in Bellelochanis, James Carmichell in Gormak, James Ghrahame in Balbrogo, William Thomsone in Halhill, William Creichtoun in Ardonachie, James Creichtoun in Blelok, Patrik Robertsone in Kirktoun of Strowane, Alester Robertsone, his brother, there, Alaster M^{c}Virich in Kindrochat, Johne Dow Beg M^{c}Cordegald in Mvling, Alaster M^{c}Robert V^{c}Condoquhy Stewart in Pitnesie, James Michie in Eschudie, William Brydie in Cragie, Johne Makduff in Glengowlantie, Thomas Allaster Fines. Fol. 39, a. Fol. 39, b.

Fines.

M^{c}Nab of Inchevin, Malcolme Robertsone in Fernane, Donald and Walter Robertsone, sons of Duncane Neilsone, sometime at the Mill of Innerchroskie, Donald Robertsone *alias* M^{c}Neill in Clonomuk, Donald M^{c}Condochie V$_{c}$Inroy in Lenach, James Gow in Corridone, Patrik Blair in Myrsyd of Arblair, Johne M^{c}Mormach in Dalchangle, Andro Stewart in Glenogill, William Horne in Kinloch, and Robert Gray of Drumeidle have for six years past carried hagbuts and pistollets.—

Fol. 40, a.

Pursuer appearing personally, and the said David Spadin, Patrik M^{c}Gilleich, Richart M^{c}Ildowy, George M^{c}Eane V^{c}Condoquhy, Allaster M^{c}Condoquhy V^{c}Thomas, Allester M^{c}Patrik V^{c}Thomas, Robert M^{c}Intosche in Dalvongie, Robert M^{c}Intosche *alias* Reoche, William Spaidine, William Ferquhar, Patrik Tarlasone, Johne M^{c}Intosche *alias* M^{c}Richie, David Wymes, son of James Weymes, Allester Robertsone of Downy, Robert Robertsone Reoch, Johne Neilsone, Duncane Robertsone in Kirkmichill, Johne M^{c}Intosche *alias* V^{c}Eane, Alester Wilsone, Johne Stewart, Johne Fleyming, portioner of Wester Innerchroskie, Johne Fleyming, son of Thomas Fleyming, Johne Roy M^{c}Duff, Patrik Blair, Thomas Wilsone, David Moncull, William Horne, Donald Robertsone, George Crokett, James Creichtoun, Allester Robertsone, Allester M^{c}Virrichin, James Murchie, William Bradie, Johne M^{c}Duff, Alester M^{c}Nab, Malcolme Robertsone, Finlay M^{c}Clerich, Johne M^{c}Nab, Donald Dow M^{c}Gilligarve, James Gow, Johne Fleyming in Midle Merchroskie, Barrone Reid, and Donald Robertsone being also present, and the remaining defenders not appearing, the Lords find that the following have contravened the Acts

Fol. 40, b.

of Parliament, and fine them in the following sums,—viz., David Spadin, £40; Alester M^{c}Patrik V^{c}Thomas, 10 merks; Johne M Nab, 10 merks; Malcolme Robertsone, 10 merks; James M^{c}Nab, 10 merks; George Crokatt, £10; Donald Robertsone, 10 merks; George M^{c}Eane V^{c}Condoquhy, 10 merks; Robert M^{c}Intosche *alias* M^{c}Ritchie, £10; William Spadin, 5 merks; William Farquher, 10 merks; Patrik Tarlasone, 10 merks; Johne M^{c}Intosche *alias* M^{c}Ritchie, 10 merks; David Weymes, 10 merks; Johne Fleyming, 10 merks; Alester Robertsone in Downie, 10 merks; Barroun Reid, 10 merks; Robert Robertsone Reoch, £10; Johne Neilsone, 10 merks; Duncane Robertsone, 10 merks; Johne M^{c}Intosch *alias* M^{c}Ean, 10 merks; Johne Fleyming, son of Thomas Fleyming, 10 merks; Johne M^{c}Duff, £10; Patrik Blair, 10 merks; William Horne, 10 merks; James Michie, 10 merks; and Allester Wilsone,[1] 10 merks. They are not to leave Edinburgh till they have settled with the Treasurer. The Lords assoilzie the other defenders who appeared, because they have denied the charge on oath. The Lords order

Fol. 41, a.

the absentee defenders to be denounced rebels.

Cautions for a number of persons that they will not carry hagbuts or pistols in future.

This day the following persons appeared before the Lords of Privy Council and found caution that the underwritten principals will not carry hagbuts or pistollets or shoot wildfowl and venison:—Patrik M^{c}Illeich in Keames for Alester MPatrik V$_{c}$Thomas in Stronyloyne in 100 merks;

[1] Entered as fined, though not in the list of those found guilty.

Campbell, apparent of Glenurquhy, for Finlay McClerich in Lardcharrie in £100, and for Johnne Dow McGilligarve in £100; James McNab, tenant of the Laird of Glenurquhie, for Johne McNab, his son, in £100; Alester Robertsone in Dowenie for Malcome Robertsone in Fernane in £100; Alester McNab of Inschewin for the said James McNab in £100; the said James McNab for the said Allester McNab in £100; Johne Roy McDuff in Innerchadin for the said Alester Robertsone in £100; Patrik Blair in Ardblair for George Croket in Drumalertie in £100; Donald Robertsone in Tullenedie in Stromok for William Bryidie in Cargie in £100; the said William Brydie for the said Donald Robertsone in £100; Alester Robertsone of Downie for David Spadin in Aschintullie in 500 merks; the said Alester McPhatrik VcThomas for the said Patrik McCleich in Teames in £100; Alester McConiell VcThomas in Kuthill for Richart McEane Dowe in Spittell in £100; Johne McIntosche *alias* McEane for George McEane VcCondoquhy in Kuthill in £100; the said George McEane VcCondoquhy for the said Allester McConiell VcThomas in £100; Johne McIntosche *alias* McRichie for Robert McIntosche in Dalinvugie in £100; the said Richart McEandowie for William Spadin of Innerridin in £100; William Farcarsone in Craiginetie for James Gow in Corridone in £100; Patrik Tarlasone in Lair for William Farquhair in Funinghame in 500 merks; the said William Farquhair for the said Patrik Tarlasone in 500 merks; Robert McIntosche *alias* McRichie for Johne McIntosche *alias* McRiche in Soilzerie in 500 merks; Johne Fleyming in Midle Innerchroskie for David Weymes, son of James Weymes, at the Mill of Weirie, in 100 (500?) merks; the said David Wymes for the said Johne Fleyming in 500 merks; Barrone Reid for Alester Robertsone in Downie in 500 merks; the said Alester Robertsone for the said Barrone Reid in 500 merks; the said Barrone Reid for Robert Robertsone Reoch in Culcolenie in 500 merks; the said Johne Fleyming in Innerchroskie for Johne Neilsone, son of Johne Dow Neilsone, in Dalnagarrene in 500 merks; the said Barrone Reid for Duncane Robertsone at Kirkmichell in 100 merks, and for Johnne McIntosche *alias* McEane in Dalnabharnie in £100; Johne Stewart in Straloch for Alester Wilsone in Cranaige in 100 merks; the said Alester Robertsone in Downie for the said Johne Stewart in Straloch in 100 merks; Donald Robertsone *alias* McNeill in Stramule for Johne Fleyming, son of Thomas Fleyming in Dalnabrek, in £100; the said Johne Fleyming for the said Donald Robertsone in £100; Allester Robertsone of Moliche for Johne McDuff in Innerchadin in 500 merks; Thomas Wilsone in Quhytloch for Patrik Blair in Ardblair in £100; the said Patrik Blair for the said Thomas Wilsone in £100; James Michie in Eschindie for William Horne in Kinloch in £100; the said William Horne for the said James Michie in £100; Neill Stewart, fiar of Granich, for Alester McVorich in £100.

Fines. Fol. 41, b. Fol. 42, a.

Commission to the late Provost of

Commission under the Signet, signed by the Chancellor, Mar, Binning, and Kilsayth, is given to Johne Peeblis, late provost of Irwing, Allan

Commissions. Fol. 51, a.

Commissions.

Dunlop and James Quhyte, bailies of that burgh, and Johne Blair, late bailie of the same, or any two of them, to try Johne Stewart, vagabond, and Margaret Barclay, spouse of Archibald Deane, burgess of Irwing, now in prison upon suspicion of "thair practizeing of witchecraft aganis Johne Deane, burges of Irwing, and procuring thairby the distructioun of the said Johnne and the drowning and perisheing of the schip callit the *Gift of God* of Irwing and of the haill personis and goodis being thairintill. Lykas the said Johnne Stewart upoun examinatioun hes cleirlie and pounktuallie confessit the saidis divilishe practizes, and the said Margaret, foolishelie presomeing by hir denyall to eshew tryall and punishement, doeth most obduredlie deny the treuth of that mater, notwithstanding that the said Johnne constantlie avowis the same upoun hir, and that divers utheris cleir and evident verificationis ar producit aganis hir."[1]

Irvine and others for the trial of John Stewart and Margaret Barclay for practising witchcraft against John Dean, burgess of Irvine, and causing the wreck of a ship by the same practice.

Fol. 51, b.

Commission under the Signet, signed as above, is given to the sheriff of Abirdene and his deputes, Johnne Seatoun of Meldrum, George Seatoun of Schethine, William Seatoun of Miony, M^r^ Patrik Maitland of Auchincreive, Johne Seatoun of Minnes, and William Seatoun of Disblair to apprehend Alexander Gordoun, son of George Gordoun, sometime in Drumheid in Straithbogy in the parish of Roven, and Johnne Smyth in Badachasche in Fyvie, who were put to the horn on 19th May last, at the instance of Jonet Watsoun, as relict, William Admill(?), as son, and the remaining children and friends, of the late Robert Admill(?) at the Mill of Pettie, tenant of Alexander, Earl of Dunfermelyne, Lord

Fol. 52, a.

Fyvie, for not having found caution to answer the charge of having murdered the said Robert, and wounded his said spouse and son.

Commission to the Sheriff of Aberdeen for the apprehension of Alexander Gordon and John Smyth, at the horn for the murder of Robert Admill (?).

Fol. 52, b.

Commission under the Signet, signed as above, is given to the sheriff of Linlithqw and his deputes, and the provost and bailies of Lynlithqw, or any two of them, to try Margaret Kennedy, at present in the Tolbooth of Linlythqw on suspicion of having practised witchcraft.

Commission to the Sheriff of Linlithgow for the trial of Margaret Kennedy for witchcraft.

Sederunts. Fol. 24, b.

"Commissioun and proclamatioun to M^c^Intosche aganis M^c^Ronnald."

MacRonnald.

Cautions 1618.

Caution by Alexander Woddell for Gilbert Murray and his son, 400 merks, not to molest Johnne Murray and his son. Signed—Alex. Woddell.

Caution for Gilbert Murray and his son.

Caution by Alexander Spedie, in Leyth, for James Boiswell, in the "tounhead of Kinghorne," 500 merks, not to molest James Boiswall of Lochgellie, Johne Boiswall of Craigsyd, or David Boiswall of [Craig ?].

Caution for James Boswell in Kinghorn.

p. 12.

Caution for Francis Wilkesone (*cf. ante*, p. 361).

Francis Wilkison.

Caution by Drummond of Boghall for Robert Gray, not to bear hagbuts and pistollets.—Signed by parties.

3rd June 1618. Caution for Robert Gray.

Caution by Williame Home of Diringtoun for Gilbert Murray, messenger, Thomas, Johnne, and M^r^ Mark Murray, his sons, 300 merks each, not to molest Frances Wilkiesoun, burgess of Lauder, or his brother James.

Caution for Gilbert Murray and his sons.

[1] For the sequel of this case (one of the most extraordinary in the annals of Scottish witchcraft) see Sir Walter Scott's *Demonology and Witchcraft*, Letter IX.

Edinburgh, 4th June 1618.

Sederunt—Chancellor; Treasurer; Bishop of St. Androis;[1] Wyntoun; Lotheane; Lauderdaill; Sanquhair; Scone; Binning; Carnegy; Lord Erskin; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsyth; Bruntiland; Medop; Ridhouse; Curriehill; Mr Petir Rollok; Sir George Erskin. Decreta Nov. 1617–Nov. 1618. Fol. 246, a.

Caption against Duncan Campbell, younger of Glenlyon, for not presenting his father to answer to a complaint of James Brydie and others.

Complaint by James Brydie in Snago, James Stratoun there, Johnne Brydie there, Johnne Buthie in Kincairny, Geillis Bissett, relict of Johnne Haggart in Eister Kippet, Johnne Haggart, her son, Margaret Purves, relict of Johnne Haggart in Eister Keppet, and William Haggart, now her spouse, that Duncane Campbell, younger of Glenlyoun, remains unrelaxed from a horning of 27th July 1616 for not appearing before the Lords concerning his refusal to present Coline Campbell, his father, to the said Lords, to the effect order might be taken with him for the redress to be made for the awaytaking of certain goods.—James Brydie and Johnne Haggart appearing for themselves and remaining pursuers, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 246, b.

Caption against John Home for debt to Elizabeth MacCairny.

Complaint by Elizabeth McCairny, relict and executrix of Mr Thomas Ogilvie, "provest of the colledge kirk of Dunglas," that Johnne Home, elder, in Kello, remains unrelaxed from a horning of 11th June 1617 for not paying the silver maills and duties of the corn-mill of Bonnokburne and pertinents since 20th March 1585, the date of the tack between the said Mr Thomas and defender, together with £20 of expenses and 40s. as collector's fee.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order as above. Fol. 247, a.

Caption against Charles Pott and John Hog for debt to Andrew Mure.

Complaint by Andro Mure, burgess of Beruik, that Chairlis Pott, merchant in Kelso, as principal, and Johnne Hog there, as cautioner, remain unrelaxed from a horning of 5th March last for not paying £800 of principal and £40 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order as above. Fol. 247, b.

John Hedderwick against Alexander Gordon, brother of the Laird of Gicht, for violence and assault.

Complaint by the King's Advocate and Johnne Heddirweik in Boddome, as follows:—On the night of 4th April last, Alexander Gordoun, brother of George Gordoun of Geycht, Johnne Sinclair, brother of Sinclair of Achannachie, and George Bruce, servitor to the said Alexander, all armed with swords, hagbuts, pistollets, &c., went to pursuer at the place of Fortrie, assaulted him, "schote tua billotis throw his richt thie, and with ane lance ran him throw the same thie." They then struck him to the ground, and wounded him very seriously in the head.—Pursuers appearing personally, and the said Alexander not appearing, the Lords order him to be put to the horn. Fol. 248, a.

John MacCoull, prisoner in the Tolbooth of

Complaint by Johnne McCoull, as follows:—About a quarter of a year ago Robert Montgomerie, "seif wricht," then his master, had "upoun suddent motioun dung and strucken" him when he had a "seif" knife in

[1] The Book of Sederunts reads *Bishop of Glasgow.*

Decreta Nov. 1617–Nov. 1618.

his hand, and "be the fall he gaif him" had himself "fallin bakwardis upoun him, quhair he ressavit ane stryke of the knyff to the effusioun of certane his blood." For this accident the said Robert Montgomerie had committed pursuer to the Tolbooth of Edinburgh, where he is still a prisoner, and, being a poor boy, has had to beg his bread during the time of his detention. He now craves his liberty, or else that the said Robert shall give him some maintenance, and pay for his past expenses and jailer fees.—Both parties appearing, the Lords, understanding that pursuer "is ane poore beggerlie boy," and that "his maister declairit that he wald have no satisfactioun frome him," order the magistrates to liberate pursuer, who has found caution for the indemnity of the said Robert under the pain of 200 merks.

Edinburgh, against his former master, Robert Montgomery.

Fol. 248, b.

Complaint by the King's Advocate, and Sir Williame Keyth of Balimure, knight, as follows:—On 10th March last, Alexander Gordoun, brother of George Gordoun of Geycht, and William Gordoun of Saphak, his nephew, went armed to the lands of Kellie, which belong in liferent to Dame Margaret Banerman, spouse of the said Sir Williame Keith, rode about in a bragging and insolent manner near to the place where pursuer happened to be staying, and endeavoured to provoke him to come forth. They then went to some of his cottars who were near at hand and told them "that they wer come thair to fetche a bair." Disappointed in their desire by the interference of pursuer, they rode away to the kirk of Methlik, where some masons were at work setting up a loft for pursuer. The masons had been warned of their wicked purpose, and so escaped the assault which defenders had intended to make upon them. "With drawin swerdis in thair handis thay enterit in the kirk, and raid athorte the said Sir Williame and his said spous landis, searcheing and seiking thair tennentis, demanding of all personis thay mett with gif thay wer the said Sir Williames and his spous men, and compellit thame with mony threatningis and minassingis to sweir upoun thair sword guardis that thay wer not thair men. And, quhenas James Ewing in Litle Methlik, the said Sir Williame and his spous man, dwelland neir the kirk, and heiring the effray, come furth to sie quhat the mater meaned, the saidis personis schamefullie and unhonnestlie, without respect or regaird had to his grite age, persewit him of his lyff, and, he haveing humelie beggit mercie of thame, saying he wes a friend and had nothing to do with thame, thay commandit him to cast his sword frome him; quhilk he haveing done for saulftie of his lyff, thay then of new persewit him of his lyff, and had not faillit to haif slane him, wer not be the providence of God, his awne bettir defence, and help of some personis present, he wes fred frome thame." On 6th March last Johnne Gordoun of Ardlogie, another brother of the Laird of Geycht, went on horseback with a sword in his hand to the "ball grene of Kellie" when pursuer was at the place of Kellie, rode up and down the green "making provocatioun to him to have come furth; and with schouting and crying he utterit the wordis following:—'Up thy hairt, Ardlogie.'"—Pursuers appearing personally, and defenders

Sir William Keith of Balmure against Alexander, William, and John Gordon for riot and violence.

Fol. 249, a.

Fol. 249, b.

not appearing, the Lords order the three defenders to be denounced rebels. Decreta Nov. 1617-Nov. 1618.

John Young and other burgesses of Dumfries against a number of Maxwells and others for modification of caution.

Complaint by James Young, surgeon, Patrik Young, his son, Johnne and Williame Craik, merchants, all burgesses of Drumfreis, that they have been wrongously charged by Robert Maxwell of Arkland, Homer Maxwell of Speddoch, Harbert Mureheid in Darngarroche, Thomas Murhead, his son, George, James, and Johnne Maxwell, brothers of Maxwell of Kirkconnell, Robert and Thomas Maxwell, sons of William Maxwell of , Robert Maxwell of Portrak, Johnne, Edward, and William Maxwell, his brothers, James Wricht in Kirkwalloiche, Johnne Greir in Nether Ingilstoun, Robert Maxwell, natural son of Johnne Maxwell of Conhaith, and Andro M^cKill of Drumcleir, to find caution in 1000 merks each, under pain of horning, inasmuch as "the saidis personis hes not maid faith, nor will not mak faith, that thay dreid hairme or oppressioun of the saidis complenairis." Moreover, the sums named are excessive. Complainers are "bot poore meane men, haveing litle or no rent quhairupoun to leive, bot suche as thay acquire by thair callingis and tradis."—Patrik Young appearing for himself and other pursuers, and the said Robert Maxwell appearing for himself and other defenders, the Lords suspend the process of horning, and modify the caution in each case to 500 merks. Fol. 250, a.

John Mitchelson in Currie against the Presbytery of Dalkeith for detaining him in the Tolbooth of Edinburgh.

Complaint by Johne Mitchelson in Currie that he had been put to the horn wrongously and thereafter committed to the Tolbooth of Edinburgh, at the instance of the "moderatour and bretherine of the Presbiterie of Dalkeith," on account of his excommunication for "monyfold fornicationis and wilfull cohabitatioun with Geillis Mitchelsoun." Pursuer is "most sorie for the offence foirsaid, and moist willing evir to gif contentment and satisfactioun to the Kirk thairfore"; but he cannot do this so long as he is a prisoner.—Pursuer appearing personally, and M^r Patrik Turnour, moderator of the Presbytery of Dalkeith, and M^r Johnne Aird, minister at Newbotle, appearing for themselves and the said Presbytery, the Lords declare that pursuer "sould first meane him selff to the Presbiterie of Dalkeith for procureing his relaxatioun fra the said sentence of excommunicatioun, afore ony warrand be grantit for his libertie." He is therefore to remain in ward till he make his peace with the Presbytery. Fol. 250, b.

Thomas Johnston of Currie against James Hamilton of Langhirdmestoun and his servant for sault.

Complaint by Thomas Johnnstoun of Currie, as follows:—The lands called "the Symonflatt and Tranent" in the Parish of Currie lie "ringrig betuix James Hammiltoun of Langhirdmestoun and the said complenair," and their respective portions have been "particularlie distinguished and knowne be the selff and thay and thair predicessoris in all tymes bigane." Hitherto "good nichtbourehead" has been kept between them, "both anent the labouring of the saidis landis, and suffering of the same to ly ley for pasturage, as the occasioun fell oute, and as mutuallie wes aggreit betuix thame." Some time ago, however, the said James Hammiltoun, "birning with a vehement and violent desyre to have the said complenairis pairt and portioun of the saidis landis consolidat with his pairt Fol. 251, a.

Decreta Nov. 1617 Nov. 1618.

of the same, seing thay ly ewest unto him," dealt with pursuer for the disposition of his right. Pursuer was willing, on condition that defender would make "ane particulair divisioun of thair haill landis by and within the parrochin of Currie." He not only refused, but avowed that he would make pursuer's portion altogether unprofitable and that he would force him to grant his desire. For this effect he has for some years refused to "keip the dewteis of nichtbourhead." When pursuer "wald teill and saw coirnis upoun his pairt and portioun of the saidis landis, he sufferit his pairt of the same to ly ley and reservit the same for pasturage, sua that, quhen the said complenairis pairt of the saidis landis wes sawin and the coirnis thairof come to perfectioun, the same coirnis wer all eattin and distroyit be the guidis held and pasturit be the said James." Pursuer had for a long time been "havelie visite with disease and seiknes," and could not attend to his own affairs; but, when he found out that defender was resolved to take his lands or render them unprofitable, he paid a visit

Fol. 251, b.

on last to the same, which are a mile from his own lands. He found 26 oxen and a number of horses belonging to defender and his tenants pasturing upon his lands. The said James, and, in his company, David Hammiltoun, his brother, David Hamiltoun, his nephew, Mr William Row, his servitor, Mr Johnne Phine, his son-in-law, with some household servants, were lying await in the fields in case pursuer attempted anything. Pursuer had no sooner caused a few of his own "guidis" to be driven on to his own land than he and his companion, a servant boy, were attacked by them with lances, longstaves, &c. He received a severe blow on the head and was knocked to the ground. He gripped the said James's sword when he was down; but defender "violentlie thrust his sword upoun the said complenair, and gaif him a grite stryke thairwith upoun the head; and in the meantyme, quhen the said complenair wes halding the said James sword, the said David, his said bruther sone, gaif the said complenair a grite straik upoun the head." —Pursuer appearing personally, and James Hammiltoun of Laughirdmestoun, and David Hammiltoun, his nephew, appearing, the Lords find the

Fol. 252, a.

assault proven, and order defenders to be committed to the Castle of Edinburgh, there to remain at their own expense during their Lordships' pleasure (*see* p. 380).

The King's Advocate against Lord Gordon for neglect of his band of 1614 for the exhibition of Duncan M'Eane Duy, an outlying Macgregor, so that he might change his name as the rest of his Clan had done; the said Duncan now produced,

Complaint by the King's Advocate, as follows:—"In the course and ordour tane be the Lordis of Secrite Counsaill for satling of the Clangregour undir obedience, it wes ordanit that thay sould renunce thair names and find cautions to be ansuerable and obedient in all tyme comeing,—according quhairunto a grite nomber of the speciallis of that clan hes renuncit thair names and found the said cautioun, and few of ony rank or qualitie, except Duncane McEane Duy in Rannache, lyis oute; who being in company with George, Lord Gordoun, and the said Lord being oftymes chairgeit with the entrie and exhibitioun of him, at last the Lord Gordoun gaif his band that he sould bring, present, and exhibite him before the Lordis of Secrite Counsaill quhanevir he sould be lauch-

and committed to the Tolbooth of Edinburgh.

fullie chairget to that effect, quhairthrow he micht renunce his name and undirly the lyke course that the rest of the Clan hes done, undir the pane of ane thowsand pundis, as the said Lord Gordonis band gevin to this effect, beiring dait the twenty ane day of August 1614 yeiris, at lenth beiris. Sen the quhilk tyme the said Lord Gordoun hes nevir bene burdynit with the entrie and exhibitioun of the said Duncane, sua that as yit he hes not renuncit his name, nor found cautioun as the rest hes done."—Pursuer appearing personally, and defender appearing by Sir Alexander Gordoun of Cluny, who exhibited the said Duncane, the Lords commit the said Duncane to the Tolbooth of Edinburgh, there to remain at his own expense till he renounce his name and find the necessary caution. Decreta Nov. 1617–Nov. 1618. Fol. 252, b.

Government prosecution of a number of persons for illegal carrying of hagbuts and pistols ("The fynes is j^{c}xxxvj ℔. xiij ŝ. iiij đ.").

Complaint by the King's Advocate that Johne Stewart, son of Allaster M^{c}Robert Stewart in Drumquhene, Neill M^{c}Ean V^{c}Neill, fiar of Graniche, Angus M^{c}Intosche in Tirriney, William M^{c}Robert V^{c}Condoquhy Stewart in Pitnesie, Charles M^{c}Condoquhy V^{c}James there, James M^{c}Neill V^{c}Ean in Fois, Alester M^{c}Kerlich in Keandamonie, Alester Robertsone, son of the Laird of Feschallyie, Finlay M^{c}Nab of Bowane, Duncane Dow M^{c}Nab in Aucharne, Duncane M^{c}Gillespik in Leikis, Johne Dow M^{c}Gillespik there, Finlay M^{c}Condoquhy V^{c}Ackrick in Ledcharne, Evin M^{c}Gillespik in Curichirach, Johne M^{c}Intowarner there, Donald M^{c}Ean V^{c}Phatrik in Leargoun, Alester Stewart in Drumleich, Johne M^{c}Gillechallum there, Johne Dow M^{c}Condoquhy V^{c}Phatrik there, Duncane and Patrik Stewart in Tulich, James and William Stewart, sons of Allester Stewart of Ardvorlich, Alaster Stewart in Glenogill, Johne M^{c}Allester V^{c}Clarane in Glenbeach, Duncane Roy M^{c}Intowarnar in Glenlochie, Donald Dow M^{c}Gilligariff there, Duncane M^{c}Gillespik V$_{c}$Ean in Miltoun of Glenlyoun, Colene Campbell *alias* Bischop in Carnelane, Duncane Duncance V^{c}Condoquhy and Johne M^{c}Luell V^{c}Condoquhy in Dirocams, Finlay M^{c}Condoquhy Kermitt in Roray, Calum Glas *alias* M^{c}Gregour in Lergane, Grigour M^{c}Eane V^{c}Condoquhy there, Alester M^{c}Allester V^{c}James in Aulich, Malcome M^{c}Neill in Fernay, Duncane Campbell *alias* Leich in Donafuull, Ewin M^{c}Gislespik in Curichwach, Johne M^{c}Gillephatrik V^{c}Coull in Inerchagarny, Dugall M^{c}Conell Voich in Strafuillane, Archibald Rioch M^{c}Nicoll in Auchiroch, Donald Stewart in Drumlech, Donald M^{c}Phatrik V^{c}Aclerich in Edinkeip, Johne M^{c}Gregour V^{c}Neill in Edinkeip, James Campbell in Glenlochie, Malcome M^{c}Gilevrey in Moir, Johne M^{c}Cull there, Johne M^{c}Achaincasich in Galdull, Johne Bowey M^{c}Achomich, Duncane Dow M^{c}Inrioch in Megerney, Johne M^{c}Keandray Veig in Keremoir, Johne Dow M^{c}Ildonicht in Intermik, Patrik Campbell in Innermuk, Donald M^{c}Gilerioch, his servant, Duncane M^{c}Conniell V^{c}Condonquhy in Dirocams, Fergus M^{c}Coniel V^{c}Kees in Rora, Grigour Roy in Leargane, Alester M^{c}Robert V^{c}Keandlay in Aulich, Giboun M^{c}Allester V^{c}Innes in Aulich, Archibald M^{c}Condoquhy V^{c}Alester in Ardlarich, Lauchlane M^{c}Kerlach V^{c}Ewin V^{c}Eane there, Donald M^{c}Indoue in Camferich, Johne Oig M^{c}Frankeine, "servitour to the Clandaindouey V^{c}Alester," in Downane, Fines. Fol. 42, a. Fol. 42, b.

Fines. Calum Croch in Findart, M^{c}Inroy Beg in Camvorine, Johne M^{c}Phatrik Geir and his son, Johne Dow M^{c}Achamcasich in Carie, and M^{c}Achamcasich, his son, Calum Ower and Patrik M^{c}Grigour in Findart, Johne Ower M^{c}Gillechreist V^{c}Invoir in Camscherachlie, Duncane Robertsone, brother of the Laird of Strowane, Johne M^{c}Duff, son of Johne Roy Makduff in Inerchadine, Johne Dow M^{c}Gilehilich in Trinafour, William M^{c}Gillechelich, his brother, and Andro Stewart in Glenogell, have carried
Fol. 43, a. hagbuts and pistollets.—Pursuer appearing personally, and the said Ewin M^{c}Gilespik, Johne M^{c}Gilephatrik V^{c}Coneill, Dougall M^{c}Coneill, Donald M^{c}Phatrik V^{c}Clerich, Johne M^{c}Gregour V^{c}Neill, Malcome M^{c}Gileivrey, Johne Binney M^{c}Achonich, Johne M^{c}Kinlay Oig, Johne Dow M^{c}Ildonich, Patrik Campbell in Inermuk, Donald M^{c}Gilerioch, his servant, Duncane M^{c}Coneill V^{c}Condoquhy, Lauchlane M^{c}Carlach V^{c}Ewin V^{c}Eane, Johne M^{c}Phatrik Gair, Neill M^{c}Ean V^{c}Neill, Alester M^{c}Karlich, Alester Robertsone, Finlay M^{c}Nab, Duncane Dow M^{c}Nab, Donald M^{c}Ean V^{c}Phatrik, and Colene Campbell *alias* Bischop being also present, but the remaining defenders not appearing, the Lords find that the following persons have violated the Acts of Parliament, and accordingly fine them as follows:—the said Patrik Campbell £10; Finlay M^{c}Nab £10; Johne Bowe M^{c}Ilchonich M^{c}Gillereoch £20; Colene Bischop 20 merks; Duncane M^{c}Coniell
Fol. 43, b. V^{c}Condoquhy 10 merks; Neill M$_{c}$Eane V^{c}Neill 100 merks; and Johne M^{c}Gilephatrik V^{c}Coniell £10. The said persons are to remain within the burgh of Edinburgh till they pay the said fines. The Lords assoilzie the other defenders who have appeared, because they have denied the charge on oath; and they order the absentee defenders to be denounced rebels.

Fol. 44, a. This day, in presence of the Lords, Neill Stewart of Granich became cautioner for Alester M^{c}Tarlach in Keandamone in £100; Colene Bischop in Cairnebane for Patrik Campbell in Innermuk in £100; Sir Duncane Campbell of Glenurquhy for Finlay M^{c}Nab of Bowane in 500 merks; Duncane M^{c}Coneill V^{c}Condoquhy in Dirokames for Duncane Dow M^{c}Nab in Acharne in £100; Johne M^{c}Finlay Beg in Keremoir for Johne Bowie M^{c}Ahomich in £100; the said Johne Bowie for the said Johne M^{c}Finlay Beg in £100; the said Patrik Campbell for M^{c}Gilereoch, his servant, and for the said Colene Bischop in £100 each; the said Duncane Dow M^{c}Nab for the said Duncane M^{c}Coniell V^{c}Condoquhy in £100; the said Duncane M^{c}Coniell V^{c}Condoquhy for Callum M^{c}Gillevie in Moir in £100; the said Alester M^{c}Tarlich for Neill M$_{c}$Eane V^{c}Neill, fiar of Granich, in £500; Robert Campbell of Glenfalach for Johne M^{c}Gilephatrik V^{c}Coneill in Inerchagan in £100: all that the said principals shall not carry hagbuts or pistollets or shoot wildfowl or deer.

Cautions for a number of persons that they will not carry hagbuts or pistols in future.

Cautions 1618 Caution by George Hammyltoun, merchant burgess of Edinburgh, for James Hammyltoun of Langhirdmestoun, and David Hammyltoun, his brother's son, £1000, on their release from the Castle of Edinburgh to remain within the burgh, till lawfully freed by the Lords (*ante*, p. 370).

Caution for Hamilton of Langhirdmestoun and his nephew.

Caution by Johnne, Master of Madertie, for Laurence, Lord Oliphant,

Caution for Lord Oliphant.

10,000 merks, to keep the peace with Patrik Oliphant, son of the late Johnne, Master of Oliphant. Cautions 1618.

Caution for John Mac-Coull.

Caution by Johnne Gib, weaver, burgess of Edinburgh, for Johnne M°Coull, sometime servant to Robert Montgomerie, "seiffewricht," 200 merks, not to molest the said Robert and his family (*ante*, p. 318).

Caution for Sir James Crichton and another.

M^r^ Robert Narne, advocate, registers an act of caution by Sir Andrew Murray of Balward, knight, for James Creichtoun of and Sir Creichtoun of Strathurd, knight, that they will not wear hagbuts and pistollets. The witnesses to the document are Frances Murray, servitor to the Laird of Balwaird, Nicoll Malcolme, servitor to the Lord of Scone, and Alexander Wylie, servitor to James Prymrois, Clerk of Council.

6th June 1618. Acquittance by Elizabeth Thomson in Belhaven to the Clerk of Council.

M^r^ Robert Burnett, advocate, registers an acquittance by Elizabeth Thomsone in Belheavin to James Prymrois, Clerk of Council, of the sum of 100 merks, placed in his custody by George Wilsone in the town of Belheavin. It is witnessed by Alexander Wod in Cragie Ogilfurd, George Swan, treasurer of D[umbar], and M^r^ Alexander Kellie, burgess thereof.

8th June 1618. Caution for Henry Lumsden and his son.

Adam Scott, burgess of Falkland, becomes cautioner for Henrie Lumisden in Recruke, and Nicoll Lumisden, his son, 400 merks, not to molest Johne Braid in Kilphus, James Braid, his brother, or their families and servants.

Edinburgh, 9th June 1618.

Sederunt—Chancellor; Treasurer; Bishop of Sanctandrois; Bishop of Glasgw; Wyntoun; Scone; Lord Erskine; Carnegy; Master of Elphinstoun; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsaithe; Bruntiland; Ridhous; Medop; Sir George Erskine; Sir James Skeene; M^r^ Petir Rollok; Sir Petir Young; Conservator. Acta Sept. 1617–July 1620. Fol. 139, a.

Repayment to William Dick and Mr. Alexander Morison of the sums borrowed from them for the expenses of the King's recent visit.

This day the Lords order the repayment of the sum of 100,000 merks borrowed by the Treasurer during the King's visit last year from Williame Dik, merchant burgess of Edinburgh (in separate sums of 20,000 merks, 40,000 merks, and 20,000 merks), and from M^r^ Alexander Morisoun, advocate (in one sum of 20,000 merks), in accordance with their engagement to pay the sum within a given time (*ante*, pp. 159, 166–68).[1] The Lords order the Treasurer-Depute to pay the said sum out of the taxation of £200,000 granted to his Majesty in March 1617. Fol. 139, b. Fol. 140, a.

Charge to all the Burghs to adopt at once the measures for the ell, the firlot, and the pint-stoup prepared by the Burghs of Edinburgh, Linlithgow, and Stirling respectively,

"Forsamekle as, the commissionaris nominat be the Parliament for reduceing of the haill weyghtis and measouris of this kingdome to one conformitie haveing with grite panes and travellis broght that worke to ane goode conclusioun by establissing and setting doun of ane constant, solide, and just proportioun of the saidis weyghtis and measouris to serve universallie all his Majesteis liegeis and quhairwith thay sall buy, sell, ressave, and gif furthe in all tyme comeing, and in speciall thay haif maid and sett doun the forme, quantitie, and proportioun of the firlott,

[1] In place of the blank in the ninth line on p. 168, this entry reads "Walter, Lord Scott of Bugcleugh."

Acta Sept. 1617–July 1620.

and of the peck, half peck, and fourte pairt peck, effeirand thairto, the keeping and outgeving quhairof thay haif reservit to the burgh of Linlythgow [*ante*, p. 325], to quhome the same wes committit of auld, as alsua thay haif sett doun the just quantitie and proportioun of the stoupe, quhairof the burgh of Striviling [*ante*, p. 354], hes the charge and keeping, and the just quantitie and proportioun of the elne, quhairof the burgh of Edinburgh hes the keeping, and hes appointit and sett doun the preceis termis and dyetis quhen the same sould be gevin oute to the burrowis of this kingdome and otheris his Majesteis liegeis for serveing of the cuntrey, as in the act maid and sett doun be thame to this effect, beareing dait the 19 day of Februair lastbipast and publist at the mercatt croceis of the heade burrowis of this realme, quhairthrow nane of his Majesteis liegeis can with ressoun pretend ignorance thairof, at lenth is contenit; and, althoght the burgh of Edinburgh, quho hes the charge of the elne, the burgh of Striviling, quho hes the charge of the stoupe, and the burgh of Lynlythqw, quho hes the charge of the firlott, hes done thair dewyteis in making of perfyte standartis of the saidis elne, stoupe, and firlott, conforme to the said act in every pointe, and that the termes and dyetis within quhilkis the heade burrowis of this realme sould haif ressavit fra the saidis three burrowis the said firlott, stoup, and elne be now bigane, nevirtheles the burrowis of this realme hes as yitt done no thing in this mater, and hes not ressavit the saidis firlott, stoup, and elne fra the saidis burrowis quho hes the charge and keeping thairof, sua that the formair abuse of disconformitie of measouris, quhilk hes beene of swa lang continewance within this kingdome, yitt remanes, and the panes and travellis tane be the commissionaris in this bussynes ar lyke to prove frustrat and voyde, without remeid be providit: Thairfoir ordanis letteris to be direct chargeing the provestis and baillies of the heade burrowis of this realme to direct and send some of thair nightbouris to the burrowis of Edinburgh, Striviling, and Lynlythqw, and thair to ressave frome the magistratis of the saidis three burrowis *respective* the elne, firlott, and stoupe, with the lesse measouris thairof, and to use the same conforme to the said act in everie point, within fyfteene dayis nixtefter the charge, under the pane of rebellioun, &c. And, yff thay failyee, to denunce, &c."

so that there may be uniformity of measures henceforth throughout the realm.

Fol. 140, b.

Decreta Nov. 1617–Nov. 1618.

[Sederunt as recorded above, with the omission of the *Conservator*.]

Edinburgh, 9th June 1618.

Fol. 252, b.

Complaint by Sir George Touris of Garmiltoun, knight, baron of Innerleith, that Daniell Couttis, indweller "besyd Dalry-mylnes," remains unrelaxed from a horning of 10th November 1614 for not relieving him of

Caption against Daniel Coutts for non-fulfilment of obligations to the Laird of Inverleith.

Fol. 253, a.

payment of 600 merks and 50 merks of expenses at the hands of James Drummond, second son of the late Sir Johnne Drummond of Halthrondane, and Dame Susanna Fouller, his mother; (2) of 500 merks of principal and £40 of expenses, at the hands of the executors of the late Gilbert Walker, and Marioun Forrester, his wife; and (3) of 600

merks of principal and a certain sum as expenses, at the hands of Robert Kirkwood, writer, and Sibilla Gilbert, his spouse.—Pursuer appearing by Thomas Lawrie, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Decreta Nov. 1617–Nov. 1618.

David Bigholme and others against Sir James Erskine of Craig and others for violence and assault.

Complaint by David Bigholme in Banchorie and Johnne Moreis and JohnneAikman, his servants, as follows:—On 7th May last, Sir James Erskin of Craig, knight, Harie Erskin, his son and heir, Robert Glas, servitor to the said Sir James, David Redoch, son of James Reddoch in Cambus, Thomas Kidstoun there, Andro M^cBaith there, James Tasker there, James Patone, Alexander Patirsoun, James Miller, Williame Miller, his son, there, David Maissone there, Alexander Crystie there, Johnne Blaiklok there, Stevin Brebner and James Hammiltoun, his servitors, there, Robert Gaw in Tullibodie, Richard Lindsay there, Robert Moreis, elder, Robert and Patrik Moreis, his sons, there, Johnne Mitchell there, Patrik Henry, Michaell Henry, his son, there, Robert Galloway there, Quhyte and William Moreis, his servitors, David Rae there, David Hendirsoun there, Johnne Hardie in the Orchard, Johnne Malice in the Abbey of Cambusneth, Johnne Kidstoun in Cambus, David Ewing in Wester Grange, George Wilsoun in Eister Cambus, and others, all armed, went to the lands of Banchorie, which are occupied by pursuer, and searched for him "to have slaine and murdreist him." They did not find him; but they met his servants, who were building a dyke. They made them prisoners, and detained them till they swore "nevir to be found upoun the saidis landis working, except the said complenair thair maister wer with thame." On 11th May last, Harie Erskin, son of the said Sir James, and Glas, his servitor, went by way of hamesuckin to the close of pursuer's house at Banchorie and committed a cruel assault upon him with "tua grite batonis maid for the purpois." Pursuer saved himself by escaping to his house and closing the doors against them.—The said David Bigholme appearing for himself and his said servants, and the said Sir James Erskine and Harie Erskine appearing for themselves and the former for the remaining defenders, the Lords find that the said Hary, according to his own confession, "boistit and minassit the said David Bigholmes saidis servandis who wer bigging his dykis," and that he assaulted pursuer as libelled. They therefore order him to be committed to the Castle of Edinburgh, therein to remain at his own expense during their pleasure. Fol. 253, b. Fol. 254, a.

James Blair of Brustoun against the provost and bailies of Dundee, for illegal imprisonment.

Complaint by James Blair of Brustoun that on May last he was wrongously apprehended in the burgh of Dundie by the provost and bailies thereof, and committed to the tolbooth, where he still lies. He has committed no offence.—William Auchinleck, provost, and James Boytter, M^r Williame Fergusoun, and Patrik Kyd, bailies, appearing by one of their number, and presenting pursuer, it was declared that pursuer was arrested for refusing to find caution at the instance of Issobell Lyoun, relict of Johnne Blair, burgess of Dundie. The Lords find that pursuer Fol. 254, b.

Decreta Nov. 1617–Nov. 1618.

was orderly committed to ward, and order the magistrate to take him back, and to keep him prisoner till he find caution, "and sa lang thairefter as the said provest and bailleis sall think guid."

Fines.
Fol. 14, a.
Fol. 44, b.

Forfeiture of cautions by the Earl of Argyll and Sir George Ramsay for the appearance of certain Macgregors who had changed their names,—viz., Duncan MacEwan Macgregor, Archibald MacConnochie Macgregor, and Robert Abroch Macgregor.

Complaint by the King's Advocate, as follows:—"In the course and ordour tane be his Majestie and the Lordis of Secreit Counsell for satling of the Clangregour under obedience it wes ordaneit that they sould not onlie renunce thair names bot find cautioun to be ansuerabill to his Majestie and his law and to find cautioun for thair compeirance befoir the Lordis sa oft as they sould be chargeit to that effect [*ante*, vol. ix. by Index]. According quhairunto Duncane M^{c}Ewin M^{c}Gregour, sumtyme callit the Tutoure, renunceit his name of M^{c}Gregour and tooke to him selff the name of Duncane Douglas upoun the tuentie day of December 1611 yeiris, and Archibald, Earle of Argyll, become caution actit in the buikis of Previe Counsall for his obedience and for his compeirance befoir the saidis Lordis upoun a fyiftene dayes warneing, under the pane of thrie thowsand merkis; and upoun the xxiij day of Juij 1612 yeiris, Archibald M^{c}Connoquhy V^{c}Allester in Ardlarich, under the Laird of Weyme, renunceit his name of M^{c}Gregour and tooke to him the name of Archibald Menzeis, and the said Archibald, Earle of Argyll, become caūtioun for his compeirance befoir the saidis Lordis upoun a fyfteine dayes warneing, under the pane of ane thowsand merkis; and upoun the xxiij day of Junij 1614 yeiris, Robert Abroche M^{c}Gregour renunceit his name and tooke to him selff the name of Robert Ramsay [*ante*, vol. x. p. 246], and Sir George Ramsay, brother to the Vicount of Haddingtoun, became cautioun for his compeirance befoir the saidis Lordis upoun a fyfteine dayes warneing, under the pane of ane thowsand merkis: as the actis maid thairupoun insert in the buikis of Previe Counsall and the saidis Lordis decreit interponit thairto at lenth beiris. Sen the quilkis tymes *respective* foirsaidis that the persones abonewrittin renunceit thair names and fand cautioun, they have nevir compeirit befoir the saidis Lordis, nor na prooffe hes beine tane gif they intend to continew in thair promeised obedience. Quhairfoir necesser it is for the trying of thair obedience that they present thame selffis befoir the Lordis of Previe Counsall to the effect the said Lordis may knaw that they continew obedient and will evir be ready upoun a lawfull citatioun to compeir befoir the saidis Lordis." The Earl of Argyll and Sir George Ramsay had been summoned to appear and present the said persons on the last day of March last, but they neither appeared nor sent them. The Lords accordingly had then decreed a "sentence condempnitour" against the said cautioners, but had ordained the execution to rest till this day.—Pursuer appearing, and defenders and their principals not appearing, the Lords order the forfeiture of the said sums of caution money (*cf. ante*, p. 371).

Fol. 45, a.

Commissions.
Fol. 52, b.

Commission to Gilbert Moncreiff, bailie of the regality of Methven, and others, for the

Commission under the Signet, signed by the Chancellor, Mar, Kilsayth, and George Hay, is given to Gilbert Moncreiff of Myresyd, bailie of the Lordship and Regality of Methven, Sir Mungo Murray of Drumcarne, David Toscheauch of Monywaird, and Johne Grahame of Balgowne, or

apprehension and trial of John Tosh for fire-raising.

any three of them, the said bailie being one, to apprehend and try Johnne Tosche in Methven on the following charge:—On April last he met George Quhyteok in Eidburne, and, upbraiding him, vowed to do him "ane evill turne, and that he sould gif unto him ane hait walking." Accordingly on the night of 14th April he went to the said George's house in Eidburne, where he and his family were in bed. "And, thair being ane mekle grite peate stak, a mater of fyre worth ane hundrethe merkis, standing contigue unto the said hous and pertening to the said George, and the said Johne Tosche resolveing most treasounablie and cruellie to byrne the said George and his haill familie within the said hous, and finding that by putting the said peate stak on fyre he wald verie easilie accomplishe this his most wicked and cruell interpryse, he thairfoir most treasounablie sett the said peate stak on fyre at divers pairtis thairof, and, the haill peate stak being in fire, fyred the said hous, and with grite difficultie by the providence of God and help of the countrie people aboute, who, persaving the fyre in the nicht, come and with water and weatt cloathis salffit the said hous unbrynt,—some of the said George his bairnis being sua skaddit and brynt that thay ar not lyklie to live. And this fyre, haveing consumed the said peate stak, enterit into the corne stakis standing in the barneyaird standing neirby, and haid not failit to haif brynt the saidis haill cornis standing in the said yaird, wer not be the providence of God the wind blew directlie aganis the fire frome the corne stakkis." Commissions. Fol. 53, a.

Caution for James Hamilton.

Mr Johne Phynne, fiar of Quhytehill, becomes cautioner for James Hammiltoun of Kilb[rachmont], £1000, not to molest Thomas Johnnstoun, his family, and tenants. Signed—Mr John Phin; James Hammyltoun of Kilbrach[mon]t (*cf. ante*, p. 370). Cautions 1618.

Edinburgh, 11th June 1618.

Sederunt—Chancellor; Treasurer; Bishop of Glasgw; Lotheane; Lord Erskine; Treasurer-Depute; Clerk of Register; Advocate; Kilsaithe; Ridhous; Medop; Curriehill; Sir George Erskine; Mr Peter Rollok; Sir Peter Young. Acta Sept. 1617–July 1620. Fol. 140, b.

Sir Alexander Hay of Fostersait admitted of the Council.

Mr Alexander Hay of Fostersait is admitted of the Council with the usual ceremonies, as by a royal letter dated at [Whytehall?] on 29th May 1618. The letter is in the usual from (*cf. ante*, p. 362).

Proclamation against reset of, or intercommunion with, the brothers and nephew of Gordon of Gicht, at the horn for various acts of outrage upon Sir William Keith, Mr. John Merser, and others.

"Forsamekle as, after mony insolencyis committit be Johnne Gordoun of Ardlogye, Alexander Gordoun in Burnegraynes, and Williame Gordoun of Saphak, thair suster sone, upoun divers of oure Soverane Lordis peciable and goode subjectis, to the offence of God, contempt of the Kingis Majestie, and misregaird of law and justice, thay haif now at last enterit in actioun aganis Sir Williame Keithe of Balmure, knight [*ante*, p. 369], a civile, obedient, and ansuerable subject, who never offendit thame, and with unlaughfull waponis hes come to his landis and duelling housis, searcheit and socht him thairat with bendit pistollis and drawne swerdis, shouting and crying, threatning, and minassing with mony horrible aithis Fol. 141, a.

Acta Sept. 1617–July 1620.

to haif his lyffe, and committit a nomber of otheris insolencyis aganis the said Sir Williame his tennentis, threatning thair lyves, and extorting oathis frome thame that thay wer not his tennentis, and verie cruellie invadit and persewit some of thame for thair slaughter; and, not content after this swaggering and lawles forme to injure and trouble gentilmen thair nightbouris (who, yf the reverent respect and regaird of his Majesteis authoritie and obedience restreanit thame not, wald mak the saidis personis to content thame selffis with ressoun and to forbeare thair foleyis), thay misheantlie, shamefullie, and unhonnestlie come be way of homesuckin to the duelling house and corneyaird of M^r^ Johnne Mersair, a harmeles innocent minister, and, finding him single and allane at his meditatioun, with a booke in his hand, thay invadit and persewit him of his lyffe, housit him in his house, and, fleeing to his house, gaif him a nomber of straikis with swerdis, and hurte and woundit him, assedgeit him in his house, brasheit his durris with grite jestis, held in bendit pistollis at his windois of purpois to haif shoite him yf thay had gottin a sight of him, and thay had not failled to haif rissin fyre and brinte the house and the said M^r^ Johnne within the same, wer not be the providence of God some gentilmen and nightbouris, heiring of thair cruell and barbarous purpois, come and relevit the said Maister Johnne. For the quhilkis barbarous and detestable insolencyis the saidis Johnne, Alexander, and Williame Gordonis being callit and convenit afoir his Majesteis Justice and chargeit to find cautioun to haif underlyne the lawis, thay absentit thame selffis frome thair tryall, refused to find cautioun, and wer thairfoir, upoun the 18 day of Aprile last, denunceit rebellis and putt to the horne,—quhairat thay remane as yitt unrelaxt, hanting all publict placeis and societie of men as yf thay wer laughfull and obedient subjectis, heighlie to the offence of oure Soverane Lord and misregaird of law and justice. And quhairas the uncontrolled ressett and supplie quhilk the rebellis findis in the cuntrey not onlie fosteris thame in thair impietie and rebellioun, bot encourageis otheris insolent and lawles personis to

Fol. 141, b.

adhere unto thame; and the Lordis of Secreit Counsaill haveing resolved examplarlie to punishe all suche personis as sall gif ony ressett, supplee, or conforte to thir rebellis so lang as thay continew in thair rebellioun; and to the effect all pretext of excuse salbe tane frome thame, yf thay or ony of thame salhappin to offend in this case;—thairfoir the Lordis of Secreit Counsell ordanis letteris to be direct to command, charge, and inhibite all and sindrie his Majesteis liegeis and subjectis be oppin proclamatioun at all placeis neidfull that nane of thame presoome nor tak upoun hand to ressett, supplee, nor intercommoun with the saidis rebellis, furneis thame meate, drink, house, nor harborie, nor haif intelligence with thame, privatlie nor publictlie, be letteris, messageis, nor no other maner of way, during the tyme of thair rebellioun; certifeeing thame that sall failyee or do in the contrair that thay salbe callit, persewit, and punist thairfoir, conforme to his Majesteis lawis, with all rigour."

"Forsamekle as the Lordis of Secreit Counsaill ar informed of a verie

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Proclamation of measures to be taken for breaking up a combination among the boys who are pages to noblemen, barons, and lairds, and for stopping an established practice among them of exacting drink-money from newly appointed pages before admitting them into their brotherhood, and of maltreating them in case of refusal.

grite abuse and of a unmanerlie and insolent cariage and forme laitlie tane up be a nomber of young boyis and paigeis, servandis to noblemen, baronis, and gentlemen, quho, quhenas thay find ony boy newlie enterit in service or paigerie, as thay terme it, thay lay handis upoun him, and imposis upoun him some certane peeceis of gold, to be spent in drinking, ryott, and excesse, for ressaveing of him in thair societie and brotherhaid, and, yf ony of thir new enterit boyis refuse to condiscend to thame in this point, thay do then shamefullie and unhonnestlie misuse thame, awaiting all tymes and occasionis to harme and disgrace thame; and thair folie and insolence is now come to this hight, that thay spair not to putt handis in thir new enterit boyis and paigeis [behind] thair maisteris bakis, sua that ofttymes some jarris and miscontentment . . . the maisteris of thir foolishe and idill boyis, as yf the boyis wer counten[anceit] be thair maisteris in thair idill and foolishe doingis,—quhairupoun it is lyke aneugh that some grite inconvenientis sall follow betuix the maisteris of [the boyis], to the brek of his Majesteis peace, without remeid be providit: [Thairfoir] ordanis letteris to be direct to command, charge, and inhibite [all and] sindrie boyis and paigeis, of quhat rank, qualitie, or degree so[evir thay] be, be oppin proclamatioun at the mercatt croce of Edinburgh and u[theris] placeis neidfull, that nane of thame presoome nor tak upoun [hand at] ony tyme heirefter to trouble or vex ony other boyis or paigeis, or [to lay] handis upoun thame, or to burdyne thame with the payment of o[ny money] to be bestowit upoun drinking or otherwayes for ressaveing of thame [in] thair societie and brotherhaid, as thay terme it, bot that thay [comporte] thame selffis in quietnes, as becometh goode and manerlie boyis, [under the] pane to be tane, apprehendit, wardit, and punist in thair personis [at the] arbitriment of his Majesteis Counsell; certifeeing thame that failyees [or dois] in the contrair that not onlie sall the saidis panes be execute [upoun] thame bot thair maisteris salbe chargeit to enter and present thame, to the effect thay may ressave thair deservit punishment." Acta Sept. 1617–July 1620. Fol. 142, a.

Arrangement for stopping the feud between Hamilton of Langherdmeston and Johnston of Currie by a re-division of their lands: conditional assent of those two lairds to the arrangement; and Sir John Vaus, Sir Henry Wardlaw, and William Murray, nominated to consider and report on the re-division

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie James Hamiltoun of Langhirdmestoun, and Thomas Johnnstoun, portioner of Currie; and the saidis Lordis haveing at [lenth] hard thame anent the present eleistis, differenceis, and contra[versie] standing betuix thame [*ante*, p. 370], and understanding that the ground of all thair contraversie and differenceis proceidis upoun some questionis of nightbourheade daylie occurring betuix thame, quhilkis goodlie can not be eshewit in respect that thair landis lyis in a maner rinrig and in parcellis, ather of thame haveing thair landis interjectit within the otheris landis, quhairas yf thair wer a trew and just devisioun maid of thair landis all suche mater of questioun and debait wald be removed; and, the Lordis of Secreit Counsaill being cairfull to haif thir pairtyis satled in peace and quietnes and the ground of thair quarrellis and contestatioun to be tane away by a formaill and trew divisioun to be maid of thair landis, thay for this effect proponnit to the saidis pairtyis yf thay wald be content that a Fol. 142, b. Fol. 143, a.

Acta Sept. 1617–July 1620.

divisioun wes maid be some indifferent men to be nominat be thame to most fit and desirable. that effect. Quhairunto some difficulties and impedimentis wer objectit be the said James Hamiltoun, especiallie that some other menis landis wer interjectit amang thair landis, and yf this divisioun wer maid it wald cutt him shorte of his previlege of commountie upoun the commoun of Currie, seeing he could not haif a passage to the said commoun bot through other menis landis and with thair tollerance and goode will; and yitt, for the saidis Lordis obedience and satisfactioun, bothe the saidis pairtyis consentit and aggreit, and be the tennour of this act consentis and aggreis, that Sir Johnne Vaus of Longcastell, knight, Sir Henrie Wardlaw of Pittrevie, and Williame Murray of sall pas to the saidis landis and sight and considder the same yf a divisioun convenientlie may be maid, and how and in quhat forme and maner. And, yf thay sall find that the saidis landis may convenientlie be divydit for the weele, peace, and quietnes of the saidis pairtyis, the saidis pairtyis declairit that then thay wald be content to enter in a submissioun anent the said divisioun, and that thay wald nominat freindis to that effect, with this provisio and conditioun alwayes,—that Robert, Erll of Lotheane, James Murray, master of worke, and the airis of umquhile Alexander Miller, quho will all haif interesse in that divisioun, gif thair consent and allowance thairunto."

Decreta Nov. 1617–Nov. 1618.

[Sederunt as recorded above.]

Edinburgh, 11th June 1618.

Fol. 255, a.

Complaint by Johnne Kid, servitor to Mr David Wood, "citiner in Sanct Androis," as follows:—As he was going out of his master's house of Cars, on 20th May last, early in the morning, he was met at the gate of the said place by Thomas Rind, brother german of Johnne Rind of Cars, and William Watt, servitor to the said Johnne Rind, and was cruelly assaulted by them with forks and staves.—Pursuer appearing by his said master, and defenders not appearing, the Lords order defenders to be denounced rebels.

John Kid in St. Andrews against Thomas Rhind and William Watt for assault.

Fol. 255, b.

Complaint by Coline Bruce that the Bailies of Edinburgh have refused to put their Lordships' order for his transportation into execution, and have kept him in the Tolbooth for seven or eight years because he has not paid his jailer-fees, "quhilk is impossible for him to do, in respect it is noturlie knawne be the keipairis and utheris that the said complenair hes levit all the space foirsaid be the townis cheritie, quhilk Andro Quhyte, present jayloure of the said Tolbuith, will testifie."—Pursuer appearing, and Jerhome Lindsay, donator to the escheat of David Lindsay, late jailer of the Tolbooth, and Marioun Home, relict of David Hammiltoun, jailer there, at whose instance the said Coline was arrested within the Tolbooth for his jailer-fee, not appearing, the Lords order the Provost and Bailies of Edinburgh "to tak the said Coline furth of thair Tolbuith, and to carey him to ane schip, to the effect he may be transportit furth of this realme, conforme to the first ordinance."

Order for the release and transportation of Colin Bruce, who has been a prisoner in the Tolbooth of Edinburgh for seven or eight years.

Fol. 256, a.

Sir Rory Mackenzie of Cogach against Allan Mac-Lean of Carnacallich, and others, principal men of the Clan MacLean, to compel them to be answerable for certain obligations which pursuer has incurred by his infeftment into the living of Hector MacLean of Duart.

Decreta Nov. 1617–Nov. 1618. Fol. 256, a.

Complaint by Sir Rory McKanyie of Cogache, as follows:—"He, oute of his tendir respect and regaird quhilk be careyed to Hectour McClayne of Dowart and to the standing of his house, haveing tane upoun him the burdyne of a grite nomber of his debtis, for the quhilkis he wes havelie distrest within the burgh of Edinburgh and his haill estaite lyke to perische, and finding no appeirance of his releif of that burdyne quhilk he undirtook for him bot by satling the richt of the said Hectouris leving in his persone, the said complenair thairfore took infeftment and utheris richtis and titlis of his leveing in his persone, by the quhilk infeftment the said complenair is now maid to undirstand that he wilbe haldin to answer for the said Hectouris haill men, tennentis and servandis, and all utheris whome he is obleist to answer for in that same forme and maner as he wes haldin to answer himselff; quhilk is a mater verie hard and difficle for the said complenair to do, unles the personis undirwrittin,—thay are to say, Allane McClayne of Carnacallych, Gillean McClayne of Coull, Hectour McClayne, sone to Lauchlane McClayne of Ardnagros, Donald McIlvrach of Pennygyll, Johnne Garrow McClayne of Bonessane, Allane McEwne in Ormesag, Neill McConeill VcEane Eir in Ballinahard, who are all capitanes, schiftanes, and the principall men of his clan and dependance,—hald hand to the said complenair and concur and assist with him in retening and halding these boundis under his Majesteis obedience, and that thay find cautioun for thair awne guid behavioure and for releveing of the said complenair of all hairme, trouble, and inconvenient that he may sustene for ony deid to be done be thame or ony utheris whome thay may stop, lat, or command; quhilk cautioun thay will not find unles be the Lordis of Secrite Counsaillis auctoritie thay be compellit to do the same."—Pursuer appearing by James Logye, and the foresaid defenders not appearing, the Lords order defenders to be denounced rebels. Fol. 256, b.

George Turnbull against William Middlemass of Lillieslie, his sons, and others, for violence and assault.

Fol. 257, a.

Complaint by the King's Advocate and George Turnble, portioner of Belscheis, as follows:—About midnight on March last, William Midlemest of Lillislie, William and Walter Midlemest, his sons, James Midlemest, his brother, Will Ellot, servitor to the said Williame Midlemest, younger, Archie Ellote of Clintoun, and others, armed with hagbuts and pistollets, went by way of hamesuckin to pursuer's dwelling house in Belscheis, "quhair he wes with his familie in thair naiked beddis takand the nichtis rest," besieged the same, and fired in at the windows, till pursuer was relieved by the timely arrival of some country people. On Sunday May last, the said Archibald Ellot, William Ellot, servitor to Walter Midlemest, and James Midlemest, came during divine service to the lands of Belscheis, where David Turnble and Johnne Broun, "hirdis and servandis to the said George Turnble," were attending his "bestiall," and "unhonnestlie strak and dang thame and brak thair headis, to the effusioun of thair bloodis." On May last, the said Williame Midlemest, elder, and his said brother, went to pursuer's gate, and, "going betuix the said complenair and his yet in verie swaggering maner, upbraidit him with mony injurious and reprotchfull speitcheis, and

Decreta Nov. 1617–Nov. 1618.

proudlie and avowedlie appeallit him to the combat." The said persons have during the past twelve months worn hagbuts and pistollets.—Pursuers appearing personally, and the said Williame Midlemest, younger, and Walter, his brother, appearing personally, and the other

Fol. 257, b.

defenders not being present, the Lords find the charges proven, order the said Williame and Waltir Midlemest to be committed to the Tolbooth to remain there at their own expense during their Lordships' pleasure, and accordingly deliver them to the care of Andro Quhyte, jailer and keeper of the Tolbooth. The Lords also order William Midlemest, elder, James, his brother, and Archie and Williame Ellot, to enter themselves within the Tolbooth, and to remain there till further order be taken with them.

Fol. 258, a.

They assoilzie William and Archie Ellot from the charge of having gone to George Turnble's house with unlawful weapons and from that of having carried hagbuts and pistollets during twelve months, and the said Williame Midlemest, elder, and James, his brother, from the charge of having upbraided pursuer at his gate,—because pursuer has failed to prove these charges.

King's Advocate against Donald M'Pherson and others for carrying hagbuts and pistols.

Complaint by the King's Advocate that, despite the acts anent the carrying of hagbuts and pistollets and the slaughter of wild fowl and deer, Donald M'Phersone in Ballachoane, Ewne M'Coneill Roy in Essintullich, Johnne Bane Camroun, servitor to George, Lord Gordoun, Malcolme M'Phersone in Torbrak, Lauchlane M'Phersone, servitor to Duncane M'Intosche in Abirardour, Johnne M'Phersone in Elrik, his brother, Finla M'Williamsoun, servitor to Angus M'Coneill M'Allaster, M'Conchie Rioche, servitor to Andro M'Phersone in Cluny, and Duncane M'Intosche in Abirardour have during the past twelve months carried weapons and shot wild fowl and deer. "Verie seldome comes ony of thame abroad without a hagbute in his hand or a pair of pistolletis

Fol. 258, b.

at thair belt, and, howevir thay pretend the caus of thair so publict brek of the law to be for thair recreatioun and pastyme and for schuiting of wyld foull and vennysoun, yit it is lyke aneugh that some of thame hes thair awne privat purpois of revenge."—Pursuer appearing personally, and defenders not appearing, the Lords order defenders to be denounced rebels.

King's Advocate against Stephen Kaidslie and others for illegal export of tallow.

Complaint by the King's Advocate that Stevin Kaidslie in Tranent, William Broun there, Andro Gibsoun there, Patrik Dyet in Dumbar, Williame Greive in Hornedane, George Bell there, Thomas Fortoun in Eistrestoun, Alexander Tait there, James Hunteir in Coldinghame, Williame Maltman in Lumisdane, Andro Gowrie in Foulden, Thomas Bassindane there, Andro Watsoun there, and Robert Polwart there,

Fol. 259, a.

have since Martimas last exported a large quantity of tallow "be land to Beruik, and hes maid ane oulklie trade thairof all this last winter, useing that unlauchfull trade sumtyme publictlie and avowedlie in the day and sometymes covertlie and quietlie in the nicht."—Pursuer appearing personally, and the said Stevin Kaidislie, William Broun, Andro Gibsoun, and Patrik Dyet also appearing, but the others not being present, the

Lords order the absentees to be denounced rebels, and order the others to find caution in £1000 each not to export any tallow in future. Decreta Nov. 1617–Nov. 1618.

Caution for the said Kaidslie and others.

This day Robert Seytoun, brother of the goodman of Northrig, appeared and became cautioner for the foresaid Stevin Kaidislie, William Broun, and Andro Gibsoun.

12th June 1618. Caution for Johnston of Currie.

Mr Alexander Hammiltoun of . . . becomes cautioner for Thomas Johnnstoun of Currie, 1000 merks, not to molest James Hammyltoun of Langhirdmestoun, David Hammyltoun, his brother, their families and servants (*ante*, p. 380). Cautions 1618.

12th–16th June 1618. Caution for James Dunbar of Balnaferry.

Mr George Abirnethie, advocate, hands in for registration (1) An act of caution by Johnnye Dunbar of Westfield, sheriff of Murray, for James Dumbar of Balnaferry, £500, not to molest Patrick Dumbar of Westertoun and family: witnesses—George Brodie in Balnageicht, Thomas Philp, servitor to the sheriff of Murray, and Alexander Dumbar, writer of the document. (2) An act of caution by Alexander Dumbar of Lochhillis before foresaid witnesses for Alexander Dumbar of Ballablair(?), servitor to the sheriff of Murray, not to molest the foresaid Patrick Dumbar and his family. Fol. 10.

Caution for Alexander Dunbar. Fol. 13.

Edinburgh, 16th June 1618.

Sederunt—Chancellor; Treasurer; Bishop of Sanctandrois; Bishop of Glasgw; Bishop of Ros; Tullibairdin; Lauderdaill; Sanquhair; Binning; Cranstoun; Carnegye; Lord Erskine; Lord Fleming; Master of Elphinstoun; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsaythe; Ridhous; Medop; Curriehill; Sir George Erskine; Mr Peter Rollok; Sir Peter Young; Conservator. Acta Sept. 1617–July 1620. Fol. 142, a.

Charge to Sir Patrick Home of Aytoun, as baron and superior of the town of Duns, to carry out his undertaking for the adoption of the standard measures throughout the shire of Berwick.

"Forsamekle as the commissionaris nominat be the laite Parliament for reduceing of the weyghtis and measouris of this kingdome to one conformitie haveing with grite panes and travellis broght that worke to a good conclusioun by establissing and setting doun of the forme, maner, and proportioun of the saidis measouris, appointing the heade burrowis of the shyris of this kingdome to ressave the saidis measouris frome the magistratis of the burrowis and townis quho hes the charge of the keeping of the same within a certane space specifeit and contenit in the act and ordinance maid and sett doun be thame to this effect, as the samin at lenth beiris [*cf. ante*, p. 374]; and, quhairas thair is no heade burgh within the schirefdome of Beruick that can be burdynnit to ressave the saidis weyghtis and measouris, and the schireff courtis of the said schirefdome being ordinarlie keept within the toun of Duns, quhairof Sir Patrik Home of Aytoun is baroun and superior, the said Sir Patrik wes delt with to accept upoun him the charge of the bringing of the saidis measouris to the toun of Duns to the effect thay might remaine thair for the use of the inhabitantis within the said schirefdome,—quhilk charge the said Sir

Acta Sept. 1617–July 1620.

Patrik willinglie undertooke and promeist to haif had the saidis measouris within the toun of Duns for the use of the inhabitantis within the said schirefdome betuix and some certane dayis now of langtyme bigane. Nevirtheles the said Sir Patrik hes done no thing as yitt in this bussynes, and hes not brocht the saidis measouris to the toun of Duns, bot delayis and puttis of tyme, sua that the formair abuse of disconformitie of the saidis measouris yitt continewis within the said schirefdome of Beruick, and the panes and travellis tane be the saidis commissionaris in this pointe ar lyke to be frustrat and disapointit without remeid be providit:—Thairfoir the Lordis of Secreit Counsaill ordanis letteris to be direct chargeing the said Sir Patrik Home of Aytoun to direct and send some personis to the burrowis of Striuiling
Fol. 142, b.] and Lynlythqw and to ressave frome the provest and bailleis of Striuiling the stoupe and frome the provest and baillies of Lynlythqw the firlott and lesse measouris thairof, and to caus bring thame to the toun of Duns betuix and the first day of Julij nixttocome, thair to remane for the use of the inhabitantis within the said schirefdome, under the pane of rebellioun and putting of the said Patrik to the horne. And, yf he failye, the said space being bipast, to denunce &c."

Charge for the appearance of Macfarlane of Arrochar and Robert Colquhoun, so that measures may be taken for preventing a renewal, in consequence of the death of Alexander Colquhoun of Luss, of the feud between the Macfarlanes and the Colquhouns.

"Forsamekle as, the deadlie feade and variance standing for the tyme betuix umquhile Alexander Colhoun of Lus, his kin and freindis, on the ane pairt, and M^cFarlane of Arroquhair, his kin and freindis, on the other pairt, being submittit to certaine newtraill and indifferent personis chosine be thame, and thir personis haveing accordinglie pronunceit and gevin furthe thair decreit and sentence arbitrall thairintill, decerning the said feade to be abolisheit and the saidis pairtyis to be reconsiliat and a perfyte freindship to be intertenyit amangis thame in all tyme thairefter, the said reconsilatioun during the lyftyme of the laird of Lus wes verie constantlie and inviolablie keept betuix the saidis pairtyis and no thing wes done nor attemptit be ony of thame to the brek thairof; bot now, the said umquhile Alexander being at the pleasour of God depairtit this lyffe, and Colhoun, his eldest sone, quho standis oblist for observeing of the said aggrement on the pairt of his kin and freindis, being furthe of the cuntrey, Robert Colhoun of , taking hold of this occasioun, hes begun to renew and walkine the said feade, and dois quhat in him lyis to mak a new brek and to dissolve the present freindship standing betuix the housis of Lus and Arroquhair, quhairupoun grite inconvenientis will not faill to fall oute, to the brek of his Majesteis peace and disquieting of that . . . cuntrey, without remeid be providit: Thairfoir the Lordis of Secreit Counsaill ordanis letteris to be direct chargeing the said M^cFarlane of Arroquhair, on the ane pairt, and the said Robert [Colhoun], on the other pairt, to compeir personalie befoir the saidis [Lordis] upoun the day of, &c., to answer to the premisis and to [heir] suche ordour as salbe tane thairanent for the weele and q[uietnes] of the cuntrey, under the pane of rebellioun &c., with certificatioun, &c."

Edinburgh, 16th June 1618.

[Sederunt as recorded above, with the omission of the *Conservator.*][1] Decreta Nov. 1617–Nov. 1618.

Thomas Chisholm against Matthew and William Moffatt for assault.

Complaint by Thomas Cheisholme in Kingildurehoip, tenant and servant of Johnne Scot, portioner of Hindillishoip, as follows:—On the night of June instant, Mathew Moffet of Grantoun, and William Moffet, his brother, went armed to pursuer's house in Kingildurehoip, where he and his family were abed, entered by force, assaulted pursuer with lances and other weapons, "fellit him deid to the ground, and left him lyand for deid upoun his awne floore." Moreover, they cast all his belongings out of the house.—Johnne Scot appearing for himself and his said servant, and defenders being present, and the matter being by consent referred to the oath of the latter, the said William deponed that the charge was untrue, and the said Mathew declared that, "the said Thomas Cheisholme haveing wranguslie and by all ordoure of law intrusit him selff in the said Mathew his house in Kingildarhoip, and being bot a nicht in possessioun of the said house, the said Mathew come upoun the morne thairefter unto him and freindlie desyrit and intreated him that he wald remove him selff and his guidis fra the said house, and, becaus he refuisit to remove, the said Mathew gaif him a litle choip with a wand that he had in his hand, without ony forder hairme done unto him." The Lords assoilzie defenders, and order both parties to find lawburrows under the pain of 500 merks each, and to remain in Edinburgh till they find the same. Fol. 259, b. Fol. 260, a.

"Anent the navigatioun."

"A missive frome his Majestie anent the navigatioun; quhilk is ordanit to be gevin to the bailleis of Edinburgh to be advisit with and to reporte the nixt Counsaill day." Sederunts. Fol. 25, a.

Caution for Sir James Erskine and his son.

Sir Johnne Vaus of Longcastell, knight, becomes cautioner for Sir James Erskin, knight, and Harie Erskine, his son and heir, 1000 merks each, not to molest David Bighome of Banchrie, his family, and servants. The act is signed,—"Barnbairach, cationar; J. Erskyne" (*ante*, p. 376). Cautions 1618.

Caution for William and Walter Middlemass.

George Ker, apparent of Cavers, becomes cautioner for Williame Midlemaist, younger of . . . Chapell, and Walter Midlemaist, 300 merks, not to molest George Turnbull, portioner of Belscheis, his family, and servants (*ante*, p. 382).

Acceptance by twenty-one of those appointed to be on the Conjunct Commission for the Middle Shires of their offices in that Commission.

"The quhilk day in presence of the Lordis of Secreit Counsell compeirit personalie Johne, Archbischop of St. Androis, James, Archbischop of Glesgow, Robert, Erle of Roxburgh, William, Lord Chreichtoun of Sanquhair, Johnne, Lord Herreis, William, Lord Cranstoun, Sir Gedeoun Murray of Elibank, knyght, Robert Maxwell of Carlauorok, Sir James Murray of Cokpooll, Charterhous of Emisfeild, Sir Thomas Kirkpatrik of Cloisburne, Sir William Seytoun, knyght, Sir Johnne Murray of Philliphall, schireff of the Forrest, Sir Johnne Ker of Jedburgh, Reddell, appeirand of that Ilk, Douglas, appeirand of Bonjedburgh, Sir Robert Stewart of Schillinglaw, Home of Blaccader, Sir George Home of Manderstoun, Sir Johne Home of Huttounhall, and Sir Patrik Chirnesyd of Eist Nesbit, and acceptit upoun thame the commissioun Borders. Fol. 61, a.

[1] So, too, the *Book of Sederunts*.

Borders. grantit be his Majestie to thame and sum utheris of both kingdomes for governement of the Middle Schyres, and gaf thair aith to discharge the said commissioun dewtifullie according to thair knawledge, as they wald answer to God and to his Majesteis obedience."

Cautions 1618. Caution for Johnne Scott of Hundilieshoip by Williame Scott of Glak, his brother, 500 merks, not to molest Mathew Moffett of Grantoun, or William Moffett, his brother (*ante*, p. 386). Signed,—Jon. Scot. 17th–18th June 1618. Caution for John Scott of Hundlieshope.

Caution for Hectour Trumbull by , 1000 merks, not to molest Alexander Drummond, son of the late Sir Johnne Drummond of Halthrondaill, or his servants. Hector Turnbull.

Acta Sept. 1617–July 1620. Fol. 143, a. *Sederunt*—Chancellor; Treasurer; Bishop of Glasgow; Bishop of Ros; Wyntoun; Tullibairdin; Roxburgh; Lauderdaill; Sanquhair; Binning; Lord Erskine; Lord Fleming; Carnegye; Privy Seal; Justice Clerk; Treasurer-Depute; Clerk of Register; Advocate; Kilsaythe; Bruntyland; Ridhous; Medop; Currihill; Sir George Erskine; Sir Peter Young. Edinburgh, 18th June 1618.

Fol. 143, b. "The Lordis of Secreit Counsaill Commissionaris of his Majesteis Rentis [have]ing consideratioun of the panes and travellis tane be the personis underwrittin who attendit his Majesteis service dureing the tyme of his Majesteis laite and happie being in this kingdome, and being willing, according to his Majesteis expres will and pleasoure, to gif to samony of thame as are not yit satisfeit some reasonable satisfactioun for thair service: thairfore the saidis Lordis hes modifeit and allowit, and be the tennoure heirof modifeis and allowis, to everie ane of thame the sowmes of money following, to be payit unto thame be Sir Gedeone Murray of Elibank, knicht, Deputie Thesaurair and Collectour of the present taxatioun of twa hundreth thowsand pundis grantit to his Majestie be his Estaitis in the moneth of Marche 1617, oute of the last termes payment of the said taxatioun:—that is to say, to James, Lord Coluill of Culrois, ane of his Majesteis Maisteris of Houshold, ane thowsand pundis; to Michaell, Lord Balfoure of Burley, ane uther Maister of Houshold, ane thousand pundis; to Sir Michaell Elphinstoun, ane uther Maister of Houshauld, ane thousand pundis; to Sir Williame Scytoun, ane uther Maister [of] Houshald, ane thowsand pundis; to Sir James Dundas, ane uther Maister of Houshald, ane thowsand pundis; to Mr James Durhame, assessour, fyve hundreth pundis; to Mr James Aytoun, assessour, fyve hundreth pundis; to Mr James Durhame, argentair, fyve hundreth pundis; to Mr James Durhame, his sone and ayde, thrie hundreth threttie thrie pundis vjs viijd; to William Sydserff of Roughlaw, Maister of the Cariadge, and his aydis, ane thowsand pundis; to Mr Johnne Fentoun, Clerk of the Grene Cloath, fyve hundreth pundis; to Mr Williame Strang, his ayde, twa hundreth pundis; to Mr Williame Chalmeris, Clerk of the Equirie, thrie hundreth threttie thrie pundis vjs viijd; to Nicoll Moncreiff, Evarie man, thrie hundreth threttie thrie pundis vjs viijd; to Johnne Act for payment to a number of persons, connected officially with his Majesty's personal service in the time of his late visit, of certain sums of money, in acknowledgment of their pains taken on that occasion.

Stewart, Ishair of the Prevey Chalmer, thrie hundreth threttie thrie pundis vjs viijđ; to Harie Levingstoun, ane uther Ishair, thrie hundreth threttie thrie pundis vjs [viijđ]; to James Ogilbie, Merschell, twa hundreth threscore sex pundis xiijs [iiijđ]; to Mr Alexander Durhame, Merschell, twa hundreth threscore sex pundis xiijs [iiijđ]; to William Haill, Merschell, twa hundreth threscore sex pundis xiijs [iiijđ]; to Claud Murhead, Merschaill, tua hundreth thriescore sex pundis [xiijs iiijđ]; to William Sibbett, Ishair before his Majesteis meate, twa hundreth [pundis]; to James Broun, Maister of the Pantrie, thrie hundreth threttie thrie [pundis] vjs viijđ; to James Kea, Maister Porter, thrie hundreth threttie thrie [pundis] vjs viijđ; to Thomas Ewing, Maister of the Laidner, thrie hundreth threttie thrie pundis vjs viijđ; to Andro Scot, chirurgiane, twa hundreth threscore sex pundis xiijs iiijđ; to Chairlis Murray, . . . , twa hundreth threscore sex pundis xiijs iiijđ; to Johne . . . , Maister of the Chanrie (?), twa hundreth pundis; to James Foirman, . . baillie of Leith, ane hundreth pundis; to Robert McCalpie, cook, . . hundreth pundis. Anent the payment of the quhilkis sowmes the [ex]tract of this act with the acquittanceis of the pairteis salbe [unto] the said Sir Gedeone a sufficient warrand." Acta Sept. 1617–July 1620.

Edinburgh, 18th June 1618.

[Sederunt as recorded above.] Decreta Nov. 1617–Nov. 1618.

Caption against John Reddick of Dalbatie for non-fulfilment of obligations to Robert Reddick.

Complaint by Robert Redick, son and heir of the late Robert Redick, that Johne Redick, now of Dalbatie, remains unrelaxed from a horning of 11th March last for not infefting him in the 22s. land of Ardingannoche, the 2 merkland of Spottis, called the Chaippiltoun, and for not paying 10 bolls of meal "of the grite measoure of Nethe" for a certain time past.—Pursuer appearing by Jeane Fraser, his spouse, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 260, b. Fol. 261, a.

John Cowie against Alexander Wishart for assault.

Complaint by Johnne Cowie in Middiltoun, that Alexander Wischart in Montqueich went armed by way of hamesuckin to pursuer's house of Midletoun and assaulted him seriously "with battonis and a swerd." He is unable to work for his living.—Pursuer appearing personally, and defender not appearing, the Lords order defender to be denounced rebel. Fol. 261, b.

Liberation of Hector Turnbull, prisoner in the Tolbooth of Edinburgh at the suit of Alexander Drummond.

Complaint by Hectoure Turnble, indweller in Dalkeith, that he has been a prisoner within the Tolbooth of Edinburgh "this half yeir bigane" at the instance of Alexander Drummond, brother-in-law of Sir Johnne Scot of Scottistarvett, for not finding caution for the indemnity of his tenants. Pursuer cannot get the caution, and he has no means to sustain himself, "his wyff, and nyne small bairnis, all in poynte of tinsale."—Pursuer being presented by Andro Quhyte, jailer of the Tolbooth, and the said Alexander Drummond appearing, the Lords order the Magistrates of Edinburgh to liberate pursuer, who has sworn on his great oath that he could get no caution, and has promised to keep the peace and not molest

Decreta Nov. 1617–Nov. 1618.

defender's tenants, under the pain of 1000 merks, besides perpetual imprisonment in the Tolbooth of Edinburgh (*cf. ante*, p. 387).

Fol. 262, a.

Mr. Walter Whiteford, minister of Moffat, against the Laird of Johnston and others for riot and violence.

Complaint by the King's Advocate, and M^r^ Walter Quhytefoord, "persone and minister at Moffett," as follows:—On 20th May last, James Johnnstoun of that Ilk assembled together his kin and friends,—viz., James Johnnstoun of Clairfoote, George Johnnstoun in Gaitheid, Richard Storie in Moffet, William Johnnstoun of Kirkholme, Johnne Johnnstoun in Brumehilbank, Johnne Johnnstoun, called of Tumultreis, Johnne Ewart of Bodisbeck, Thomas Johnnstoun in Rosbank, James Johnnstoun, called of Crofthead, James Johnnstoun, called of Braikansyde, Robert Grahame in Lochhouse, Williame Achesoun there, Robert Johnnstoun in Moffet, Johnne Johnnstoun there, Symone Johnnstoun, called "the lairdis Symmie," and others, to the number of fifty, for the most part rebels, all armed and carrying hagbuts and pistollets. They lay in wait for pursuer, who, they were informed, "wes walking abroad in his awne parroche, accumpaneid with Robert Hammiltoun of Torrens, and James M^c^Morran, fiar of Glaspen, his kynnismen and freindis, who, being strangearis in that cuntrey, for the onlie visiteing of the said M^r^ Waltir had come unto him at that tyme." They intended to attack him and his friends on the highway; but he, having heard of their design, "convoyed him self home

Fol. 262, b.

to his awne house ane uther way." Defenders, thus disappointed, went in "a verie tumultuous and hostile maner, according to the auld accustumat barbarous forme of that cuntrey, to the kirkyaird of Moffett." There "the said Laird of Johnnstoun directit and send the saidis Johnne Johnnestoun of Eishag and Thomas Johnnstoun in Langwoodend to the said M^r^ Waltir his said house, verie proudlie and presumptiouslie in the lairdis name commanding the said M^r^ Waltir that he sould caus his tua freindis and kynnismen presentlie depairt frome his house and pas furth of that cuntrey, it being then about nyne of the cloike at nicht; avowing with mony horrible aithes that, gif thay presentlie removit not, thay sould be undir no assuirance with the laird, bot sould confidentlie expect a most cruell rememberance of the dissobeying of his will and commandiement; haveing of before dischairget the haill oistlairis in Moffett to ressave his saidis freindis in thair housis or to furnische unto thame ony refreschement." They remained in the kirkyard a long time, "avowing to have treasounablie brinte the said Maister Waltir and his saidis freindis in the said house unles his command wer obeyit." Which they would have done, had not some ministers, who happened to be there, "in end procureit at the laird and his saidis compliceis handis that the said M^r^ Waltir his saidis freindis sould remane that nicht with him, with conditioun that upoun the morne at the sun ryseing thay sould depairt out of that cuntrey." Defenders attended in the morning and compelled the gentlemen to go away before thay could be ready, "for just feir of thair lyveis." As pursuer was accompanying them from his house, the said Richard Storie came from the laird, "cloike alone, with twa pistolletis about him," and upbraided pursuer. The latter, who is a justice of the

peace within the bounds of Annanderdaill, asked him why he carried pistollets, and was answered with many oaths "that he sould cary and beir pistolletis in dispyte of the said Mr Walter or ony uther of the justiceis of peace quhatsumevir, and that he wald dantone the said Mr Walter thairwith." On another occasion, pursuer having employed James Johnnstoun, messenger, to execute some charges at his instance against divers persons in the parish, the laird sent the said Richart, who threatened the messenger and vowed to take his life.—Pursuers appearing personally, and having passed from the charges against defenders, except James Johnnestoun of Clairfute and Richard Storie, who were present, the Lords assoilzie the said laird, because he has denied the charges on oath; but they find Richard Storie guilty of menacing pursuer and the messenger as libelled, and order him to be committed to the Tolbooth of Edinburgh, there to remain at his own expense during their pleasure. Decreta Nov. 1617–Nov. 1618. Fol. 263, a. Fol. 263, b.

Mr. James Hamiltoun of Westport and others against Mr. James Baillie for violence.

Complaint by Mr James Hammiltoun of Westporte, commissary of Lanark, Robert Twedy of Nethersouthewood, his servitor, and factor of his lands of Crumpcramp, Litlegill, and Mont of Robertoun, and Andro Goodfellow, herd on the said lands, as follows:—Of late Mr James Bailyie, natural son of Mathew Baillie of Litlegill, has begun to molest pursuer and his servants in their possession of the said lands. On April last, defender went to the town of Craufurd, where the said Robert Twedy was for the time, and, upbraiding him, demanded "how durst he injoy or brooke the saidis landis or put ane hird thairupoun." He thereupon hit Twedy on the face with a rod and drew blood in great quantity. The same night defender went to the herd's house when he was abed, "and thair, calling upoun him to come furth unto him, drew his quhinyeair, and with mony horrible aith avowit to ruife it to his hairt gif at ony tyme thairefter he sould pas to the saidis landis of Crumpcrampe, or yit to be hird to the said commissary." The said herd is afraid to go to the said lands, and they are therefore becoming waste.—Parties having appeared personally on 4th instant, and pursuer having proved the assault, the Lords had postponed sentence; and this day James Baillie appeared and acknowledged his offence, submitting himself anent the satisfaction to be made for the same, and promising to fulfil whatever pursuer shall decern him to do. Fol. 264, a.

King's Advocate against four persons in Edinburgh for illegal import and sale of tobacco.

Complaint by the King's Advocate that Johnne Slowane, merchant burgess of Edinburgh, Edward Edislaw, merchant there, David Boig, merchant there, and Petir Watt, merchant there, have violated the acts anent the importation and sale of tobacco, and should be held responsible for having sold 10 stone weight of the same at 16s. the ounce.—Pursuer and defenders appearing personally, the Lords find that Johnne Slowane has sold 5lb. at 5s. the ounce, David Boig 37 ounces at 4 merks the lb., and Edward Edislaw 1lb. at 5s. the ounce, and order confiscation of the said prices. They assoilzie Petir Watt, who has denied the charge on oath. Fol. 264, b. Fol. 265, a.

Commission under the Signet, signed by the Chancellor, Binning, Commissions. Fol. 53, b.

Commissions.

George Hay, Kilsyth, and Sir Drummond, to the sheriff of Wigtoun to try Johnne Johnnstoun, "crippill," who has murdered Bailie, tailor. Commission for the trial of John Johnston.

Licence under the Signet, signed by the same, to Sir Alexander Strauchan of Thornetoun to go abroad for three years without skaith, provided he behave as a dutiful subject during his absence. Licence to Sir Alexander Strachan to go abroad.

Sederunts. Fol. 25, b.

"Warrand for appending the grite seale to a letter in favouris of Robert Menteith." Robert Menteith.

Fines. Fol. 45, a.

This day appeared Andro Stewart in Eliott, Ewine M^cGillespik, Dougall M^cIlvorich, Duncane M^cInturnour, and Johne M^cPhatrik Gair, in answer to the charge of carrying guns and shooting wild fowl and deer during the past six years. The said Andro and Duncane having denied the charge on oath, and the said Ewine and Johne having admitted their guilt, the Lords assoilzie the said Andro and Duncane, and fine the others 10 merks each, to be paid by them before they leave Edinburgh. Edinburgh, 19th June 1618. Certain persons fined for carrying firearms. ("Thir fynes ar xxli.")

This day appeared David Spalding of Eschintullie and became cautioner for Andro Stewart in Eliott in £100, not to carry hagbuts or pistollets; also Archibald Campbell, brother of the Laird of Lawers, for Ewinine M^cGillespik in £100; Duncane M^cInturnour for Dougall M^cIlvorich in £100, and the said Dougall for the said Duncane in £100; and the said Archibald Campbell for Johne M^cPhatrik in £100: all to the same effect. Caution for David Spalding and others that they will not carry firearms.

Cautions 1618.

Caution by Johnne Dowglas, merchant burgess of Edinburgh, and Johnne Elder, portioner of West Newbigging, for Mathew Moffett of Crumpcramp, 500 merks, not to molest Johnne Scott of Hundillishoip, his family, and servants (*ante*, p. 387). 24th June 1618. Caution for Moffat of Crimpcramp.

Caution by the foresaid Mathew Moffett for Williame Moffett, his brother, 500 merks (?), as above (*ib.*). Caution for William Moffat.

Caution by M^r Robert Monro of Tontolichie for Johnne Braid in Kilquhus, James and Patrik Braid, his brothers, and Johne Baverage there, 400 merks each, not to molest Henrie Lumisden in Recruik, or Nicoll, Walter, and Johnne Lumisden, his sons, and their families. Caution for John Braid and others.

Decreta Nov. 1617–Nov. 1618. Fol. 265, a.

Sederunt—Binning, President; Bishop of Ros; Carnegye; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Ridhous; Medop; Curriehill; Sir George Erskin; M^r Peter Rollok; Sir Petir Young. Edinburgh, 25th June 1618.

Complaint by David Young of Woodsyde that Andro Davidsoun *alias* "Dennerles" in Lempitlaw remains unrelaxed from a horning of the last day of April last for not paying the "violent proffeitis of ane merkland in Lempetlaw callit Walflatt" for 1616, or else the price of the same, with £16 for demolishing "ane house of thrie cupplis, biggit upoun the said merk land and taking away the cuplis, duris, windois, and remanent tymmer werk of the samyn house," together with £10 of expenses.— Caption against Andrew Davidson for non-fulfilment of obligations to David Young of Woodside.

Fol. 265, b.

Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Decreta Nov. 1617–Nov. 1618.

Caption against Tweedie of Dreva and his son for debt to Nicol Scott.

Complaint by Nicoll Scot in Quhytsyde that James Twedy, elder of Dreva, and Johnne Twedy, his eldest son, remain unrelaxed from hornings of 24th June and 11th July 1617 for not paying 1000 merks of principal and 200 merks of expenses.—Pursuer appearing by Richard Broun, and defenders not appearing, the Lords give order as above. Fol. 266, a.

Caption against the bailies of Perth for a debt of £200 to Mr. James Primrose for 500 copies of *God and the King*.

Complaint by M[r] James Prymrois that Williame Williamesoun and Johnne Andirsoun, bailies of Perth, remain unrelaxed from a horning of 1st November 1617 for not paying £200, "as for the price of fyve hundreth bookis, called and intituled *God and the King*, taikin be the saidis bailleis for the use of the toun and scole of the burgh of Perth" (see *ante*, vol. X. pp. cvii.–cix.).—Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, the Lords give order as above.

Laird of Culmalundie. Convention of Burghs.

"Charge aganis Culmalundy and otheris for keeping of the peace." Sederunts. Fol. 25, b.

"The xvj day of Julij nixttocome assignit to the baillies of Edinburgh to reporte ane direct ansuer from the Conventioun of the Burrowis anent the frauchting of strangearis shippis."

Dundee Skippers.

"Missives to be direct to certane skipparis in Dundee and otheris pairtis to keepe this dyet."

Caution for Matthew Crawford.

Caution by Williame Cunnynghame of Caprintoun for Malcolme Craufurde, son of the Laird of Kilbirnye, in 2000 merks, to keep the peace, and not molest Johnne Irw[ing], servant of the Laird of Drum. Cautions 1618.

Caution for John Irvine.

Caution by Alexander Irwing of Drum for the foresaid Johnne Irwing, in 2000 merks, not to molest the foresaid Malcolme Craufurde.

Caution for David Bigholme.

David Prymrois, advocate, registers a caution by Robert Broun, portioner of Barhill, for David Bigholme in Banchorie, in . . merks, not to molest Sir James Erskin of Tullyb[odie].—It was signed before Johnne Blair, younger, fiar of Westerkirk, Robert Coustoun, burgess of Culrois, and Robert Forret, notary, who signs for Bigholme.

Edinburgh, 30th June 1618. Caution for Donald M'Eane and others that they will not carry hagbuts or pistols.

This day appeared Robert Campbell, son of Sir Duncane Campbell of Glenurquhy, knight, and became cautioner for Donald M[c]Eane M[c]Phatrik in Laragane; also appeared , called Barrone Reid, in Lochinvordane, Donald Robertsone, his brother, Allester Robertsone, Patrik Robertsone in Blairfittie, and also Robert M[c]Intosche, apparent of Dalmongie, and became cautioners for Donald M[c]Eane V[c]Condoquhy in Leanochbeg and Allester Andersone in Innerriddene; also appeared Johne Roy M[c]Duff, and became cautioner for Thomas M[c]Duff, his son: each, under the pain of £100, that the said principals shall not carry hagbuts or pistollets. Fines. Fol. 45, b. Fol. 46, a.

Report by the magistrates of

" . . . . . of the weghtis in all tyme comeing Acta Sept. 1617–July 1620. Fol. 144, a.[1]

[1] There is a break in the record here. As the following entries seem to belong to a new *fasciculus*, one or more leaves may be lost at the beginning. The *Book of Sederunts* does not help us to fix the date of these entries. They probably belong to 2nd July 1618.

Acta Sept. 1617–July 1620.

. . . . . set doun be the commissionaris nominat be the laite Parliament for [reduceing] of the mettis and measouris of this kingdome to one conformitie. Quhilkis weghtis being tryit and examinat be Sir James Weymes of Bogy, [George] Affleck of Balmanno, Sir George Bruce of Carnok, and Sir Thomas M . . of Durne, and some otheris of the saidis commissionaris, thay fand and [accord]inglie did this day testifie and declair in presence of the saidis Lordis, that the saidis wechtis wer aggreable and ansuerable in everie pointe to the reule and ordoure set doun be the saidis commissionaris in thair said act and ordinance; and thairfore the saidis Lordis deliverit the saidis standartis of the weghtis foirsaidis inclosed in tua kuistis of tymmer to Sir Gedeone Murray of Elibank, knycht, Deputie-Thesaurair, and gaif directioun to him to send ane of the saidis standartis for everie particulair peace of the saidis weghtis to the Castell of Edinburgh, and ane uther to the Castell of Dunbertane, thair to remane as warrandis of the wechtis in all tyme comeing. And the saidis Lordis findis and declairis that the saidis provest and bailleis hes done thair dewtie in the premisis, and exoneris thame thairof be thir presentis, and ordanis the said provest and bailyeis of Lanark to gif out the saidis weghtis according to the standartis foirsaidis to all his Majesteis leigeis who sall have to do thairwith. And ordanis his Majesteis Thesaurair and Deputie-Thesaurair and Ressaveairis of his Majesteis Rentis to mak payment to the saidis provest and bailleis of the sowme of thrie hundreth pundis as for the price of the standartis foirsaidis and for the chairgeis and expensis bestowit be thame in attending this mater. Anent the payment of the quhilk sowme the extract of this present act, with the acquittance of the said Gawne Blair in name of the said provest and bailleis, salbe unto the saidis Thesaurair, Deputie-Thesaurair, and Ressaveairis ane sufficient warrand."

Lanark on the standard weights.

"Forsamekle as, the commissionaris nominat be the laite Parliament for reduceing of the weghtis and measouris of this kingdome to one conformitie haveing with grite panes and travellis brocht that worke to ane guid conclusioun by establischeing and setting doun of ane constant, solide, and just proportioun of the saidis wechtis and measouris to serve universallie all his Majesteis leigeis, and quhairwith thay sall sell, buy, ressave, and gif furthe in all tyme comeing, and in speciall thay have statute and ordanit that thair salbe onlie ane just weght throughout all the pairtis of this kingdome quhilk sall serve all his Majesteis leigeis, be the quhilk and no other thay sall buy and sell all and quhatsumevir wairis accustomed to be brocht and sauld be weght, alsweill forayne as cuntrey wairis,—to witt, the Franshe troyes stone weght, contening sextene troyes pund in the stone and sextene . . unce in the pund, and the lesser wechtis and measouris to be in proportioun conforme thairto, as in the act maid be the saidis commissionaris to this effect at lenth is contenit; and, althocht the burgh of Lanark, who hes the chairge and keiping of the weghtis, hes done thair dewteis in making of perfyte standartis of the stane weght, half stane weght, quarter stane weght,

Charge to the Burghs of the Kingdom anent the new standard weights.

Fol. 144, b.

of the tua pund weght, of the pund weght, of the half pund weght, of the quarter pund weght, and of the tua unce weght, and of the unce weght, aggreable in everie pointe to the act and conclusioun of the saidis commissionaris, and that the termes and dyetis within the quhilk the burrowis of this realme sould ressave the saidis weghtis be now bigane, nevirtheles the saidis burrowis hes done no diligence in this mater, sua that the formair abuse of disconformitie of the weghtis, quhilk hes bene of so long continewance within this kingdome, yit remanis, and the panes and travellis tane be the saidis commissionaris in this bussynes are lyke to prove voyde, without remeid be providit: Thairfore the saidis Lordis ordanis letteris to be direct chargeing the provest and bailleis of the burrowis and citeis, bothe of royaltie and regalitie, to direct and send some of thair nichtbouris to the burgh of Lanark, and thair to ressave frome the magistratis of the said burgh the saidis weghtis, to be used within the saidis burrowis in all tyme comeing conforme to the said act, within fyftene dayis nixt after the chairge, undir the pane of rebellioun, &c., and, gif thay failyie, &c., to denunce, &c." Acta Sept. 1617–July 1620.

Edinburgh, 2nd July 1618.

Sederunt—Chancellor; Treasurer; Glasgow; Lynlithqw; Lotheane; Lawdirdaill; Scone; Binning; Carnegy; Lord Erskin; Lord Flemyng; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Ridhouse; Medop; Curriehill; Sir George Erskin; Foistersait; Sir Andro Ker; Mr Petir Rollok; Conservator. Decreta Nov. 1617–Nov. 1618 Fol. 266, b.

Henry Voy and others against Robert Sinclair of Campstoun for violence and assault.

Complaint by Henry Voy, , Marioun Sklaitter, his spouse, and Thomas Foubester in Saba, tenants of Patrik Stewart, son of James Stewart of Gramsay, and the said Patrik for his interest, as follows:—Robert Sinclair of Campstoun and Alexander Grotsettir in Toob have a grudge against pursuers. On May last the said Robert went to the lands of Woy occupied by the said Henry and his said spouse, and searched for him in order to slay him. He did not find the said Henry; but, meeting his wife, he assaulted her with "a grite battoun." On of the same month, the said Alexander went to the lands of Saba possessed by the said Thomas and assaulted him in the same barbarous way.—Pursuers appearing by Robert Menteith of Egilsha, and defenders not appearing, the Lords order them to be denounced rebels. Fol. 267, a.

Caption against Dame Marie Carmichael, Lady Holyroodhouse, for debt to Robert and George Smith.

Complaint by Robert Woddirspoone, burgess of the Cannogait, that Dame Marie Carmichaell, Lady Halyruidhouse, remains unrelaxed from a horning of 8th June last, at the instance of Robert and George Smyth, sons and executors of the late Johnne Smyth, burgess of Edinburgh, and James Steill, servitor to Mr Johnne Dawling, advocate, curator to the said Robert, and tutor dative to the said George, for not paying to them all "the silver worke particularlie specifeit and contenit in the said letteris of horning," or else the price of the same, "pertening to Maistres Annas Bothuell as executrix confermit to umquhill Johnne, Lord Halyruid- Fol. 267, b.

Decreta Nov. 1617–Nov. 1618. Fol. 267, b.

house, hir father, and arreistit in the handis of the said Dame Marie, hir mother, at the instance of the saidis Robert and George Smythis and James Steill, and that for payment and satisfactioun to thame of the sowme of fyve hundreth ane pundis xjš iiijd as principall, togidder with the soume of twenty merkis of liquidat expenssis, with ten pundis of expensis of pley and fourty schillingis payit to the Lordis collectour"—according to a decreet of Council and Session obtained by the said Robert and George Smyth against defender on 1st July 1613, to which Robert and George, pursuers, were constituted assignees, with consent of Cristeane Kennedy, their mother, and the said James Steill, by an assignation dated 5th June last.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize her houses, and inventory her goods for the King's use.

Fol. 268, a.

Sir James Crichton of Frendraucht against George Gordon for detaining an escaped hawk.

Complaint by Sir James Creichtoun of Frendraucht, knight, as follows:—"He haveing a spar halk quhilk he had keipit for his recreatioun and pastyme thir divers monethis bigane, the same halk, by the negligence of some of his freindis, who oppynnit the dure of ane chalmer quhair the halk wes sitting and left the dure standing oppin, flew away upoun the last day of Junij instant. And, the said complenair haveing causit follow his halk, in end, efter some inquirie and searche, scho wes challengeit in the handis of George Gordon at the mylne of Auchindore, fra quhome the said complenair haveing oft and divers tymes in a freindlie maner craved deliverie of his halk, according to the mutuall dewteis of good nichtbourhead quhilkis in such causis aucht to be intertenyed betuix gentilmen, nichtbouris, and freindis, nevirtheles the said George verie unkyndlie refuisis to rander to the said complenair his halk. And, the said complenair being loath, for the respect he careyis to his Majesteis obedience and peace of the cuntrey, to entir in ony hard course for this unkyndlie useing of him, he hes thocht meete to meane him selff to the Lordis of Prevey Counsaill for remeid."—Pursuer appearing by Andro Meldrum, and defender not appearing, the Lords order defender to be denounced rebel.

Fol. 268, b.

Patrick and Mr. William Livingston against Gordon of Gicht, his son, and others, for continued breach of peace and violence: detailed narrative of the affair: Gordon committed to ward in Edinburgh Castle.

Complaint by the King's Advocate, and by Patrik Levingstoun of Inchcorsie, and Mr Williame Levingstoun, his brother, as follows:—On 20th April last George Gordoun of Geycht, accompanied by George Gordoun, his eldest son, James Baird and Johnne Alschinner, his servants, and others, all armed with pistollets and other weapons, went to the place of Coirnecairne, "quhair umquhill Dame Margaret Stewart, Lady Saltoun, lay seik for the tyme, and quhair he looked to have found the said Patrik. And, missing him thair, being informed that he wes riddin to the place of Tullidone to the baptisme of his susteris bairne, he addrest him selff with all speid and come to the said place. Quhairof notice being gevin to the said Patrik, he and all these that wer with him come furth and mett the said George, ressaved him with all schawis of hairtie love and kyndnes, and he acquat thame with suche outward formes of goodwill and hairtynes as thay could haif wished, and past with

thame to denner, intertenying pleasant and familiair discourseis at the denner, with mony promisis and attestationis of his best affectionis to the said Patrik and his wyff. And efter denner thay accumpaneid him to his horsse, lookeing for nothing les then that he had ony bad or sinister purpois in his hairt aganis the said Patrik. Bot afore he tooke horsse he called the said Patrik asyde unto him, and in presence of the minister of Rothemay he begun to questioun him anent the testament and latter will maid be the said laite lady, and quarrellit the said Patrik for suffering hir to mak ony testament, as gif it had lyne in his pouer to have stayed hir, alledgeing that all that scho had wes his birth right, and that no utheris had interesse thairto. And, the said Patrik haveing verie modestlie and soberlie ansuerit him that it wes the ladyis will to mak a testament for the weele of hir oyis, and that he had no reasoun, nather lay it in his pouer, to stay and hinder hir, and that he wald quite his pairt of the said testament for ane plak, so as he micht have his releif of twa thowsand merkis quhairin he stood ingadgeit as cautionair to him self for the said lady, he, not being content with this the said Patrikis ansuer, burst furth in moist bitter and passionat speetcheis aganis him, protesting and avowing with mony horrible aithes that he sould stryk ane daigger to the said Patrikis hairt, and that he sould cleive him to the harne pane, unles he causit the said testament ather to be nullit or reformit to his contentment. And the said George, his sone, presentit ane bend pistollet to the said Patrik, of purpois and intentioun to have schote and slane him thairwith. And he and his said sone, and thair complices, had not faillit at that tyme to have tane some unhonnest advantage of him, wer not thay wer stayit be the gentilmen present and in company with the said Patrik for the tyme. And so, finding him selff disapoint of his blodie and wicked purpois at that tyme, he past away, with mony threatningis to have the said Patrikis lyff gif the testament wer not reformit agane the nixt meeting. And, schoirtlie thairefter, the said lady haveing send for the said M[r] Williame to confer with him upoun some particulairis concerning hir estaite, and he accordinglie haveing addrest him selff unto hir, the said George being informed thairof, and that the said M[r] Williame wes riddin to Rothemay to his said bruther, quhair he hes dwelt thir sax yeiris bigane, he resolveing to tak some advantage of thame at that tyme, he, accumpaneid with George Craufurd, William Prat in Monkishill, Johnne Abirnethie, his servitor, and Williame Essillis in Fettircarne, with utheris his compliceis, bodin in feir of weir, with pistolletis prohibite to be worne as said is, come upoun the sext day of Maij last to the said place of Rothemay. And, the said M Williame persaveing him comeing, he addrest him self to meete him, expecting all freindlie and kynd useing of him, inrespect of the mony good officeis done be the said M[r] Williame to him and the mony promeisis of freindship maid be him to the said M[r] Williame. And, at the said M[r] Williames first meeting with him, he persaveing the said Patrik walking some space asyde with the minister of Rothemay, he brak at him in a grite raige and

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furie, and with verie grite difficultie wes he stayed be some personis present for the tyme. And, the said Mr Williame being informed that Sir James Skene of Curriehill, ane of the nomber of the Lordis of Prevey Counsaill, wes than newlie lichtit at the Kirk of Rothemay, he past unto him, acquentit the said Sir James with the lawles and insolent cariage of the said Laird of Geicht, and humelie desyrit him, as ane of his Majesteis Prevey Counsaill, to bind the said Laird to the peace. Quhilk the said Sir James did. And, efter the said Sir James his returning frome the North, the said Laird of Geicht being forgetfull of the promeis maid for keiping of the peace, he upoun the threttene day of Maij last directit and send his awne wyff, his eldest sone, Johnne Abirnethie, and Andro Wood, to the place of Corncarne in commissioun to the saidis Patrik and Mr Williame, that thay sould caus the said testament be reformed to his contentment, or ellis it sould be the darrest testament that euir wes maid in the North. And, the said Lady Saltoun being delt with to reforme the said testament, scho planelie declairit that scho wald not alter ane word thairof. Quhilk answer being returnit to the said George, he wes so incensit and commovit thairwith that, upoun the morne thairefter, being

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the fourtene day of Maij, he, accumpaneid with George Gordoun, his eldest sone, James Baird in the Mayne of Geicht, William Prat in Munskishill, William Stewart in McTarie, George Gordoun in Lethintie, Waltir Ogilvy in Dudweik, Patrik Sinclair of Achannachie, Johnne Abirnethie, Johnne Alexander, and Alexander Broun, servitoris to the said Laird of Geicht, and with convocatioun of his Majesteis leigeis to the nowmer of ten personis, all bodin in feir of weir with jackis, secritis, steil-bonnetis, tua-handit swerdis, and utheris wapponis invasive, and with pistolletis prohibite to be worne as said is, come to the place of Cornecarne, quhair he thocht to have surprysit the saidis Patrik and Mr Williame at denner tyme or evir thay had bene war of him. And, quhen he come to the place, finding the yettis oppin, he appointit tua of his servandis to guard the yet, and he send ane uther up to the hall to try and persave quhair thay wer sitting, resolveing, gif thay had bene togidder, to have slane thame at that same instant. Bot, seing be the providence of God the said Patrik wes a litle before riddin to Rothemay, he directit his servand James Baird to the said Mr Williame, desyreing him to come and speik with him. And, the said Mr Williame being sitting at his denner, he rais presentlie frome the table and went unto him single and allone without company or wapponis, dreiding no harme of him, seing, as the said Mr Williame apprehendit, all his miscontentment wes aganis his said bruther. And, quhen the said Mr Williame come unto him, his servandis past betuix the said Mr Williame and the yet, and thairby cutt him schorte of all meanis of retreate to the house. And he him selff enterit in most dispytfull and railling speetcheis aganis him, commanding the said Mr Williame presentlie to gif him satisfactioun in that mater of the testament, or ellis he sould have the said Mr Williames hairt bloode and that he sould wasche his handis in his blood. And, the said Mr William

haveing opponit aganis his furie his awne innocence and impossibilitie to gif him contentment in that mater quhairwith he burdynit him, and then the respect quhilk he aucht to carey to his Majestie and his lawis, and the havie wraith and judgement of God that wold still persew him gif he medlit with the said Mr Williame his innocent blood, yit nothing could content him, bot with horrible aitheis he avowed that nane sould releve him out of his handis, and that he sould ding a sword throughe thame that durst presome to releve him, uttering in this meanetyme mony disdanefull speetcheis aganis his Majestie and his lawis, saying that he knew the Wynd of the Tolbuith and how to gyde his turne, and that he hes had to do with the gritest of Scotland and had outit his turnis aganis thame. And in this forme he detenit and held the said Mr Williame the space of tua houris as a prisonner undir his power, during the quhilk haill space the said Mr Williame euir expectit that he sould have put violent handis in his persone, and that he sould have tane his lyff. And at last he proponnit this overture unto the said Maister Williame,—that he wold spare his lyff, gif he wold bring his bruther out of Rothemay unto him. Quhilk propositioun being with reasoun rejectit be the said Mr Williame, as a mater unworthie to be hard of and most unnaturall to have bene performit on his pairt, he than urgeid the said Mr Williame to go with him to Rothemay, and that he sould tak on with him and that he sould decyde his querrell with the said Mr William and his bruther. Quhilk being of the nature of ane challange, he wes forcet to undirtak the same, purpoislie to be red and quite of the said George truble. And so, thay being sinderit, he past in to the place, and with grite intreaty wes moved to tak some refreschement, and then to ly doun and tak rest; bot he wes so fer distemperit and careyed with a cruell purpois of revenge as he could tak no rest, bot rease immediatlie, saying to his wyff, 'Jeane, I can tak no rest. I knaw I will die upoun a scaffald. Thair is ane evill turne in my hand, quhilk I avow to God presentlie to performe.' And with that he maid searche for the said Mr Williame, sua that he wes constrayned to reteir him selff to ane quiet chalmer and to hyde him selff. And, he persaveing that he could not get the said Mr Williame, he with all haist, accumpaneid with George Gordoun, raid to Rothemay, thinking to have surprysit the said Patrik unawaris. Lyke as, he being walking in quiet maner afore the yet, he wes almoist surprysit of him, and with grite difficultie relevit him self within the house. The yettis quhairof being closed and locked, he chopped verie rudlie at the yet, crying and schouting unto the said Patrik to come furth, that he micht have his hairt blood; bot, finding him self frustrat of his wicked purpois, he come bak immediatlie to the place of Cornecarne, resolued to have had the said Mr Williames lyff, avowing with mony horrible aithes that he sould nevir see Geycht till he had the said Mr Williame and his brotheris lyff, and that it sould coast him his lairdschip of Geycht or he sould have thair lyveis, saying thay had bound him to the peace and that he caird not for the peace; he had doubled out his

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turne aganis the best in Scotland; and that he sould go mad, lyke Richie the foole, gif he wer not revengeit upoun thame. And he remanit in the place all that day and tua dayis thairefter, threatning the deeing lady to reforme hir testament. And, finding hir constant in hir resolutioun to stand be that quhilk scho had done, he send commissionairis to the saidis Patrik and Mr Williame to Rothemay, quhairunto the said Mr William had reteirit him selff in the nicht for eschewing of his raige and furie,

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commanding thame outher to caus him ressave satisfactioun in that mater of the testament, or than assuire thame that no house in the North sould keepe thame, and behavit him selff so ruidlie and insolentlie within the place of Cornecarne in the sicht and presence of the diseasit aiget lady that without all doubt he haistned hir death, quhilk fell out that tyme." —Pursuers appearing personally, and the said George Gordoun of Geicht appearing for himself, his said son, James Baird, Williame Pratt, Williame Stewart, George Gordoun, Johne Alexander, Alexander Broun, and Williame Eshillis, and the said George Crawfurde and Waltir Ogilvy not appearing, the Lords find that the said laird "hes verie injuriouslie boistit, minassit, and threatnit" defenders, and that his son, "who is bot

Fol. 271, a.

ane young boy undir his pouer and commandiment," has been suffered to carry pistollets in his company, and therefore order him to be committed to the Castle of Ediuburgh, therein to remain at his own expense till he present his said son before the Lords, and till he be liberated by them. He is also to pay a fine of 500 merks to the Treasurer, and not to depart till he have paid the same. "And, whereas thair hes bene divers complaintis formarlie maid to the saidis Lordis aganis the said George, and verifeit and provin aganis him, sua that it is verie evident and liklie that he will not be reclamed frome his oppressioun nor halden undir obedience of the law, unles some strait course and ordour [be] tane with him and his said sone," order is therefore given that the said laird and his said son find caution in 10,000 merks each to keep the peace and to appear before the Lords when called upon to do so, in £500 each not to wear hagbuts and pistollets, and shall also find lawburrows in 5000 merks each. The Lords order the said George Craufurde and Waltir Ogilvy to be denounced rebels.

Fol. 271, b.

Prolongation of caution by James Stewart for the appearance of Robert Campbell, now in Spain, who is charged with murder.

Complaint by James Stewart, younger, burgess of Glasgow, as follows:— Robert Campbell, burgess of the said burgh, was lately charged by open proclamation at the market cross of Glasgow, "becaus of his absence furth of this realme," to find caution for his appearance before the Justice in the Tolbooth of Edinburgh on 8th July, to underlie the law for his part in the murder of Archibald Simpsoun, sometime servant of the said Robert Campbell, committed upon the shore of Loch Goyle in November last. In respect of the said Robert's innocence, and in order that "the pairtie persewair sould not steill him to the horne," complainer became cautioner for the entry of the said Robert on 8th July. Notwithstanding, there is no appearance of his return, and complainer is in danger of being outlawed. The said Robert also will be declared fugitive, "howbeit it be

of veritie that the said chairge as yit come nevir to his knawledge, he haveing remanit furth of this cuntrey thir sex monethis bigane in the pairtis of Spane, and, sa fer as can be tryit, is not to returne before Yule nixttocome."—Pursuer and defender appearing, the Lords order the Justice to continue the diet "to some certane day betuix the first and tent dayis of December nixttocum, or souner upoun a fiftene dayis wairning gif the said Robert sal happin to returne in this kingdome in the meantyme," and order pursuer to become cautioner anew in 500 merks. Decreta Nov. 1617–Nov. 1618. Fol. 272, a.

Caption against Sir Harry Lindsay of Carriston and his son for debt to William Lyon.

Complaint by Williame Lyoun, in the burgh of Forfer, and Nicolas Guthrie, his spouse, that Sir Harie Lindsay of Carrestoun, knight, and George Lindsay, his son and heir, remain unrelaxed from a horning of 5th June last for not paying 2500 merks of principal and 500 merks of expenses, together with 10 per cent annual-rent on the said principal.—Pursuers appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 272, b.

Caption against Lord Herries for debt to Archibald Douglas.

Complaint by Archibald Douglas, macer of Council, that Johnne, Lord Hereis, remains unrelaxed from hornings of 15th and 23rd May last for not paying a yearly pension of 20 merks for a certain time specified in the letters of horning.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard as above. Fol. 273, a.

Patrick Colt against John Elder and William Rhind for assault.

Complaint by Patrik Colt in Cragie that on May last he was assaulted in the burgh of Perth by Johnne Eldair, flesher, burgess of Perth, and William Rynd, flesher there, "with quhinyeairis and braig knyffis," and wounded betweèn the shoulders. He was also bruised by blows and kicks.—Pursuer appearing personally, and defenders not appearing, the Lords order defenders to be denounced rebels.

Caption against James Ogilvy of Clova and others for debt to Abraham Piggot.

Complaint by Abrahame Piggat, elder, notary in Glamis, that James Ogilbie of Clova, principal, and Alexander Ogilbie in Glenmoy and Alexander Lindsay in Claislait, remain unrelaxed from a horning of 29th April last for not paying £300 of principal and £60 of expenses, together with £20 for each charge given to them anent the payment thereof.—Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Fol. 273, b.

Nicoll Forsyth, burgess of Edinburgh, against Alexander Johnston, messenger, for neglect of official duty.

Complaint by Nicoll Forsyth, merchant burgess of Edinburgh, as follows:—On 8th April last Alexander Johnnstoun, messenger, agreed with pursuer to go to the burgh of Wigtoun with a notary and witnesses to charge the provost and bailies of that burgh, "upoun the Settirday thairefter preceiding the Sonday commounlie callit Lawsonday, being fourty dayis before the terme," to infeft pursuer in the two mills of Wigtoun, "lawfullie apprysit be him fra Alexander Mure of Coitland," and also the same day in the lands of Coitland, according to a precept of sasine under the quarter seal. He promised moreover to warn the Fol. 274, a.

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tenants, to read the warning before noon in the kirk of Wigtoun, and to report his executions to pursuer, "with the said precept of seaseing, extract of the same to have bene tane be him with the chairtoure of the saidis mylnes of Wigtoun." He agreed to do this for 40 merks, and received 20 merks in hand. Defender, nevertheless, when in Wigtoun on the said Saturday, "wranguslie, wittinglie, and willinglie left af the taking of the said seaseing and geving of the saidis chairgeis," and, "be collusioun, as appeiris, betuix him and some of the said complenairis unfreindis, left af the making of the said wairning."—Pursuer and defender

Fol. 274, b.

appearing personally, the Lords find that defender failed to perform his promise, and order him to be committed to the Tolbooth of Edinburgh, therein to remain at his own expense till released by the Lords.

King's Advocate against a number of persons for shooting with firearms.

Complaint by the King's Advocate that the following persons have contravened the acts anent the bearing of hagbuts and pistollets and the slaughter of wild fowl and deer: — Thomas Bellindane in Leswaid, Roger Cleland in Ravinsheuch, Johnne Symsoun in Broomstoun, James Ramsay in the Howgaitmouth, Johnne Hammiltoun, "littistair in the Cowgait," Thomas Broun in Dudingstoun, Patrik Knox in Egipt, Patrik Cochrane, gardener in Grantoun, Robert Addinstoun in Morfett, Symone Watterstoun in Lonehead, George Cheislie in Grenlaw, David Simsoun in Polmathorne, James Symsoun in Braidwood, Johnne Andirsoun in Lonestane, Henry Cairnis at the West Porte, Johne Affleck, gunmaker there, David Clerk, younger, in the Cannogait, James Duncane in Libbertoun, Patrik Gilchrist in Cannonmylnes, and Andro Dun in Bonytoun Mylne.—

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Pursuer appearing personally, and the said Thomas Bellindane, Roger Cleland, Johnne Simsoun, James Ramsay, Johnne Hammiltoun, Patrik Knox, Petir Cochrane, James Simsoun, Johnne Andirsoun, and David Clerk being also present, and the others not appearing, the Lords assoilzie Johnne Simsoun, Roger Cleland, Thomas Bellindane, James Ramsay, and Johnne Andirsoun, because they have denied the charge on oath. The said Johnne Hammiltoun "grantit his schoiting at ane sparrow and ane craw; the said Patrik Knox grantit his schoiting of ane hair or tua to his maister; the said Petir Cochrane grantit the schoiting at cunyngis in his maisteris linckis; the said James Simsoun grant[it] the schoiting of ane schote at his awne hennis; and the said David Clerk grantit his schoiting at tua teillis." The Lords reserve the declaration of their will anent them till another occasion, and order the absentee defenders to be denounced rebels.

Commissions. Fol. 54, a.

Commission to the magistrates of Irvine and others for the trial of Isabel Shearer or Crawford, accused of witchcraft.

Commission under the Signet, signed by the Chancellor, Mar, Binning, George Hay, Kilsyth, and Medop, is given to the magistrates of Irwing, Johne Peiblis, late provost, and Johne Blair, late bailie, or any two of them, to try Issobell Scherar *alias* Crawfurd, indweller in Irwing, now

Fol. 54, b.

in ward on suspicion of using witchcraft and assisting the late Johne Stewart and Margaret Barclay to procure the destruction of the ship called *The Gift of God*, and the death of Andro Tran, provost of the burgh, Abrahame Howie, Johne Deanis, and the rest of the crew (see *ante*, pp. 366-7).

Robert Menteith.

"Ane act anent the aggreement with Robert Menteith for certane of his Majesteis goodis arreisted in Brohaine." Sederunts. Fol. 26, a.

Caution for the people of Auchtermuchty.

Caution in £1000 by William Bickartoun of Corshillis for the bailies, council, community, and inhabitants of Auchtermuchtie, not to molest Patrik Pitcarne of Pitlowre, his family, tenants, or servants. Cautions 1618. Fol. 15, b.

3rd July 1618. Caution for John M'Alexander of Drummochren.

This day appeared Andro M^{c}Alexander, merchant burgess of Edinburgh, and found caution in 300 merks for Johnne M^{c}Alexander of Drummocrene to appear on 23rd instant to answer the complaint of George M$_{c}$Alexander of Corselayis, Duncane Gray, and Johnne Fergie, servitor to the latter, anent an alleged assault. Signed by cautioner.

Caution for Colin Campbell and James Stewart.

Appeared William Andersone, merchant burgess of Glasgow, and became cautioner in 500 merks each for Coline Campbell and James Stewart, merchant burgesses of Glasgow, not to molest Thomas Simpsone, tailor at the West Port, or his friends and servants.

Caution for Pitcairne of Pitlour.

Caution in £1000 by Henry Pitcairne of that Ilk for Patrik Pitcarne of Pitlowre not to molest the folks of Auchtermuchtie (*supra*). Signed by both.

Caution for Mr. Alexander Bruce.

Caution in 2000 merks by Alexander Bruce of Bangour for M^{r} Alexander Bruce, elder of Cultymalindeis, to keep the peace with Patrik Grahame of [Inchebrakie], Sir James Campbell of Laweris, Johnne Grahame [elder] of Balgoun, and Johnne Grahame, his son. (*ante*, p. 392). Fol. 16, b.

Caution for Alexander Johnston.

Caution in 300 merks by Daniell Johnnstoun for Alexander Johnnstoun, for execution of a charter and sasine of two mills in Wigtoun, and other matters (*ante*, p. 400). Signed by cautioner.

4th July 1618. Robert Toschok fined for shooting.

This day Robert Toschok at the kirk of Strowane, found guilty on his own confession of having shot a roe with a hagbut, is ordered to pay a fine of 10 merks, and to remain in Edinburgh till he pay the same. Fines. Fol. 46, a.

Caution for the same.

This day appeared Johne Campbell in Urchill and became cautioner in £100 for Alexander, his brother, and the foresaid Robert Toschok, not to carry hagbuts and pistollets, or shoot wildfowl, &c. The said Alexander, also appearing, became cautioner in similar terms for John.

Caution for Richard Story.

Appeared James Johnnstoun of Willeis, and found caution in 500 merks for Richart Storie in Moffet, not to carry hagbuts and pistollets in time coming. Signed by cautioner. Cautions 1618. Fol. 17, a.

Caution by Sir James Campbell and others.

Appeared M^{r} David Prymrois, advocate, as procurator for Sir James Campbell of [Laweris], Patrik Grahame of Inschebrakye, Johnne Grahame of Balgowne, Johnne Grahame, his son, fiar thereof, and gave in a signed document, dated 25th June 1618, declaring that they will not molest Alexander Bruce of Culmalindeis, Patrik, Master of Oliphant, or William Oliphant of Gask, each under the pain of 2000 merks. The witnesses to the document were:—John Campbell of . . aig, William Campbell, natural son of the said Sir James Campbell of Laweris, M^{r} Daniell Edward (Edmond?) in Creiff, and Robert Allsoun (?), notary (*supra*). Fol. 17, b.

Caution for

Appeared Patrik Douglas of Kilspindie, and found caution in 2000

Cautions 1618. merks for Patrik, Master of Oliphant, not to molest the above-named. — the Master of Oliphant.

Fol. 18, a. Appeared Symone, Lord Fraser of Lovat, and found caution in 3000 merks for George Frissell in Jedburgh, that he shall appear before the Commissioners for the Middle Shires when summoned. Signed S. Louat. — Caution for George Fraser in Jedburgh.

Fines.
Fol. 46, b. David Moncure of Godenis [or Goldynis, or Godeis], summoned on a charge of having contravened the acts anent firearms, confesses, and is fined £10. — Edinburgh, 7th July 1618. David Moncur fined for shooting

Caution in £100 is found by Andro Moncure, portioner of Tulbois, that the said David will not again contravene the said acts. — Caution for the same.

Acta Sept. 1617-July 1620.
Fol. 144, b. *Sederunt*—Chancellor; Treasurer; Lotheane; Roxburgh; Laudirdaill; Binning: Lord Erskin; Carnegy; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Medop; Ridhouse; Curriehill; Sir Petir Young; Sir Andro Ker; Conservator. — Edinburgh, 9th July 1618.

Preamble as follows:—"Forsamekle as the Kingis Majestie, euir since he wes of perfyte y[eiris] and able in his awne persone to governe the kingdomes commitit be [God] to his chairge and governament, hes had a cheif cair, nixt to his [dewtie] unto God, to mantene justice and to protect and preserve his guid subjectis frome the oppressioun and insolenceis of law[les and] insolent lymmairis, and rather by lenitie then useing the rig[our of his] auctoritie to draw all his Majesteis subjectis to the obedience of law [and] justice; and his Majestie haveing now by his prudent cair and g[overna]ment reduceit the Yllis and Heylandis of this kingdome and the h[aill of the] laite Bordouris thairof to obedience, sua that few within
Fol. 145. a. the boundis [thairof] are rebellious and dissobedient; yit it is of treuth that . . [McRonnald of] Gargavache, Ronald McRonnald, his eldest sone, and . . , his suster sone, who were all actouris with the traytour McDonald in his rebellioun, and [hes] continewalie sensyne lyne oute, and, schaiking of all feir of God and reverence to the Kingis Majestie and his auctoritie, thay have not onlie neglectit the occasioun to sute and beg his Majesteis pardoun for thair bigane misbehaviour, bot, as gif thair wer not a souerane prince airmit with pouer to repres and punische thame, and as gif thay onlie of all his Majesteis subjectis wer able to mak head aganis his Majestie and withstand his Heynes auctoritie, thay still persist in thair treasounable courses, commiting schamefull and barbarous murthoris, treasounable fyre-raiseingis, and uther insolenceis, in all pairtis quhair thay may be maisteris and commandairis, heichlie to his Majesteis offence and contempt and misregaird of his Majesteis auctoritie." Commission is therefore given to Sir Lauchlane McIntosche of Dunnauchtane to convocate the lieges and go against the said persons. The usual powers and immunities are granted; and the commission is to last till 1st January next. — Commission to the Laird of Mackintosh for the pursuit of MacRannald of Gargavach, his son, and their rebel adherents in the Highlands.

Proclamation for concurrence of the lieges with the Laird of Mackintosh in the above Commission, with offers for the heads of MacRannald and his son, or of any of the rebels.

Proclamation in connection with the same business, ordering that "the said Sir Lauchlane, his haill kin and freindis of the Clanchattane, betuix saxtie and saxtene yeiris, dwelland within the boundis of the schirefdomes of Innernes and Narne, as alsua all and sindrie his Majesteis subjectis betuix saxtie and saxtene yeiris, within the boundis of Lochquhaber, Glenco, and Appin, the Rannache, and Ardnamurchin, as alsua the Laird of Glengarrie, his kin and freindis," on open proclamation at Innernes and Narne, concur with the said commissioner; that no one "resset, supplie, or intercommoun with the saidis traytouris"; and that all who are "undir assuirance or bandis of freindschip" with them renounce the same. Further, "that quhaevir will tak, apprehend, and present to his Majesteis Counsaill the said traytour M^cRonnald and his saidis sones, and failyeing thairof will slay thame or ony of thame and present thair headis, that thay sall have a frie remissioun and pardoun for all thair bigane offensis; and quhaevir will tak, apprehend, and present ony of the saidis traytouris compliceis, being of a lyke rank and qualitie with thame selffis, and failyeing thairof will slay thame and present thair headis, that thay sall have a frie remissioun and pardoun for all thair bigane offenceis." Acta Sept. 1617–July 1620. Fol. 146, a. Fol. 146, b.

Charge to the chief Lairds of the name of Campbell, in consequence of the lawlessness of a number of the Campbell Clan since the departure of the Earl of Argyle out of the realm.

"Forsamekle as the Lordis of Secrite Counsaill are suirlie informed that some insolent personis of the name of Campbell hes laitlie brokin louse and gois athorte the cuntrey in companyis soirning and oppressing his Majesteis guid subjectis in all pairtis quhair thay may be maisteris, takand the gritair bauldnes heirunto inrespect of the absence of the Erll of Ergyle furth of this realme, and that he hes left nor nominat nane in his absence to have the chairge and burdyne to retene his clan and cuntrey under obedience: thairfore the saidis Lordis ordanis letteris to be direct chairgeing Sir Duncane Campbell of Glenurquhy, Sir Johnne Campbell of Caddell, Schir James Campbell of Laweris, Campbell of Lundy, Schir Dowgall Campbell of Auchinbrek, Campbell of Glenlyoun, &c., to compeir personalie before the saidis Lordis upoun the nynetene day of August nixttocome, to informe the saidis Lordis quhat raice and branche thir brokin men of the name of Campbell are, and who sould ansuer for thame for the peace and quietnes of the cuntrey, undir the pane of rebellioun, &c., with certificatioun, &c."

Edinburgh, 9th July 1618.

[Sederunt as recorded above.[1]]

Caption against James Wemyss for debt to William Geddie.

Complaint by William Geddie, son of Waltir Geddie, citizen of Sanctandrois, that James Weymes, son of the late Andro Weymes of Myrecairny, remains unrelaxed from a horning of 17th March last for not paying £169 of principal and £50 of expenses; also £362 of principal and £80 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Decreta Nov. 1617–Nov. 1618. Fol. 275, b.

Complaint by David Johnnestoun and Wilkene Johnnstoun, merchant Fol. 276, a

[1] By mistake, *Sir Peter Young* is entered twice, the second time in place of *Conservator*.

Decreta Nov. 1617–Nov. 1618.

burgesses of Edinburgh, assignees of Patrik Hay in Haddo, with consent of Johnne Moresoun, burgess of Abirdene, that William Hay of Urie, son and heir of the late Johnne Hay of Urie, remains unrelaxed from a horning of 7th April last for not paying £4 for each boll of 6 score bolls of oatmeal, according to a contract between the said Johnne Hay and the said Patrik Hay, dated 18th May 1595.—Pursuers appearing personally, and defender not appearing, the Lords give order as above.

Caption against William Hay of Urie for debt to David and Wilkin Johnston.

Fol. 276, b.

Complaint by Niniane Oliphant, sometime in Barmekyn of Jedburgh Forrest, that Laurence, Lord Oliphant, remains unrelaxed from a horning of 20th June last for not paying 1150 merks.—Pursuer appearing personally, and defender not appearing, the Lords give order as above.

Caption against Lord Oliphant for debt to Ninian Oliphant.

Complaint by Thomas Welsche, burgess of Drumfreis, that James Johnnstoun of Thornik remains unrelaxed from a horning of 10th April

Fol. 277, a.

last for not paying £81.—Pursuer appearing personally, and defender not appearing, the Lords give order as above.

Caption against Johnston of Thornick for debt to Thomas Welsh.

Complaint by Waltir Stewart, son of the late Williame Stewart, constable of the Castle of Dunbertane, as follows:—Hectour McClayne of Dowart owed pursuer's father 1000 merks "for his intertenyment and furnissing during the tyme of his imprisonement within the Castell," and gave his band for payment of the same and £100 of expenses. Pursuer was made assignee, and has endeavoured on several occasions to recover the amount. "The said Hectour, notwithstanding, continewis cairles of his dewtie, and misregairdis both law and justice." When he was last in Edinburgh, Sir Rorye McKenzie of Cogache "undirtook the payment and

Fol. 277, b.

burdyne of a grite pairt of his debtis, and for this caus not onlie acquirit in his awne persone the richt of the said Hectour his haill landis, estaite, and leving [*ante*, p. 85], sua that now the said Hectour hes nothing bot that quhilk the said Sir Rorye bestowis upoun him for his interteynment, bot with that the said Sir Rorye procureid his libertie and releif furth of the said waird. And he hes the full intromissioun with the said Hectour his leving, quhairwith the said Hector sould haif payit his debtis. Thairfore reasoun and equitie cravis that the said Sir Rorye sould tak upoun him the payment of the said complenairis said debt, seing the chief caus quhairupoun the Lordis of Prevey Counsaill wer moved to dispone the richt of the saidis Hectoris landis to the said Sir Rorye wes for payment of the said Hectoris debtis."—Pursuer and defender appearing personally, the Lords assoilzie defender, because "it wes undirstand to the saidis Lordis that the said Sir Rorie onnawyse tooke upoun him the payment of the debt foirsaid acclamed be the said Waltir Stewart, nor nevir enterit in ony conditioun or bargane thairanent."

Walter Stewart, son of the late William Stewart, constable of Dumbarton Castle, against Sir Rory MacKenzie of Cogach, as now possessor of the lands of Hector MacLean of Duart, for repayment of 1000 merks, with expenses, due to the pursuer's late father by the said Hector for money advanced to him during his imprisonment in the said Castle.

Fol. 278, a.

Complaint by the Lord High Treasurer and Treasurer-Depute, as follows:—George Dawling in Burrowstounes arrived in Leith in April last with his ship called the , laden with goods from Lundone, and gave up the following entry to the custom house:—"twelff dusane of hattis, auchtene dusane of hatbandis, fourtene peece of peropus, fourtene peece of perpetuana, tua peece of satinisto (?), fourscore pair of worset

Treasurer and Treasurer Depute against John Sinclair and William Dick, merchants of Edinburgh, for customs due

on certain goods imported by George Dawling of Burrowstouness, who is now bankrupt, and whose said goods were acquired by defenders.

stokynes, tua hundreth threscore pund of confeitis, fourscore yairdis of cottonis, threttie steikis of steining, and a schorte suffok clothe." The dues amounted to £136, 10s. "After the upgeving of the quhilk entrie, the said Theasaurair and Deputie Thesaurair and thair deputtis, according to the usuall and accustomat forme of courtesie and favoure used to all merchandis and trafficquairis, suffered the said George to tak away his guidis oute of the custome house, to the effect he micht have disponit thairupoun and in some reasounable tyme have maid payment of the custome of the same." But, before he had disposed of any, Johnne Sinclair and Williame Dick, merchant burgesses of Edinburgh, and Alexander Glen, indweller in Edinburgh, poinded the said goods for certain sums of money due by the said George. They refuse to pay the custom; and the said George is bankrupt and unable to pay it.—Pursuers appearing personally, and the said Johnne Sinclair and Williame Dick also appearing, the Lords assoilzie defenders, because they have proved that the goods were bought from the said George "as lauchfull merchand geir," and that they did not arrest the same. Decreta Nov. 1617–Nov. 1618. Fol. 278, b.

The son of Gordon of Gicht committed to Edinburgh Castle.

This day George Gordoun of Geycht exhibited George, his eldest son, in accordance with the order of Council (*ante*, p. 399). The Lords commit him to the Castle of Edinburgh, therein to remain at his own expense during their Lordships' pleasure.

Hew Peebles in Edinburgh against John Cockburn, advocate, for assault in the High Street.

Complaint by Hew Peblis, indweller in Edinburgh, as follows:—Pursuer "having forgadderit with Johnne Cokburne, advocat, upoun the Hie Streit of the burgh of Edinburgh at the Luckin Buitheis, and haveing verie modestlie enterit in a freindlie conferrence with him," the latter, "without ony just caus of offence or injurie offerrit be the said complenair to him, first upbraidit him with mony injurious and reprotchfull speitcheis and gaif him a lie, and thairefter with his fauldit neive schamefullie and unhonnestlie strak and dang the said complenair verie violentlie upoun the face, to the effusioun of his blood in grite quantitie at mouth and neis, and had not faillit to have bereft him of his lyff, wer not be the providence of God and help of some people present he wes stayit."—Both parties appearing, the Lords find the charge proven, and order defender to be committed to the Castle, therein to remain during their Lordships' pleasure. Fol. 279, a.

Suspension of horning against Alexander Morton in Grenan.

Complaint by Alexander Mortoun in Grenane that he has been put to the horn wrongously at the instance of Andro M'Chortour, officer in Bordland of Ranistoun, M M'Cormok there, Issobell M'Clellane, relict of the late William Shorte in Barleyrich, Edward Donaldsoun in , and Jonet M'Ilroy in Cultery (*ante*, pp. 321, 350). Pursuer was not lawfully charged to appear; "and, gif it can be alledgeit that ony pretendit chairge wes execute aganis the said complenair for his compeirance before the saidis Lordis to have ansuerit in this mater, it is of treuth that the saidis personis, knowing perfytlie weale that the said complenair wes lyand deidlie seik, unable to ryse oute of his bed or to travell to this burgh, takand advantage of that occasioun, causit then execute the said Fol. 279, b.

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pretendit chairge aganis him, of purpois onlie to draw him within the compas of the law and to get him to the horne, and sua to procure his havie trouble, utter wraike, and overthraw, he being alwyse innocent of the haill pointis of oppressioun objectit aganis him." For obedience pursuer had found caution in 100 merks to appear on 18th June, and to

Fol. 280, a.

pay £10 for his escheat.—Pursuer appearing personally, and defenders by James Kennedy of Crugiltoun, their master, the Lords suspend the

Fol. 280, b.

process, and assoilzie pursuer from the charges, because he has denied them on oath.

Borders. Fol. 61, b.

"The quhilk day in presence of the Lordis of Secreit Counsell compeirit personallie Johnne, Lord Heres, and actit and obleist him selff that he sall mak his men, tennentis, and servandis, dwelland upoun his landis and suche as he is obleist to ansuer for be the lawis of this realme and actis of Parliament, ansuerabill and obedient to his Majestie and his lawis, and, gif ony complent salbe maid upoun his saidis men, tennentis, and servandis for ony thift, reiff, fyre-raissing, slauchter, oppressioun, or other cryme or ryott, that he sall ather tak thame and punisch thame gif he hes jurisdictioun, or then present thame to the judge ordinar to abyde thair tryell; and, gif they flie and can not be apprehendit nochtwithstanding all lawfull diligence done to that effect, that he sall mak restitutioun of the guidis stollin or other hairme done be his saidis men, tennentis, and servandis to the pairtie greivit; and, gif ony being maid fugitive for crymes salbe ressett upoun his landis, that he salbe answerabill for the entrie of the ressetteris to abyde thair tryell and punischment, and, failyeing thairof, salbe answerabill for restitutioun and redres to the pairtie skaitheit; and, last, that he and his said men, tennentis, and servandis salbe answerable and obedient to law and justeice, conforme to the Generall Band maid to his Majestie and his Counsell in the sex hundreth and tua yeir of God [*ante*, p. 217]. And the said Lord protestit that this present act sall nawayes obleis him to be answerabill for suche persones aganis quhome he hes obtenit decreittis of remoweing, and for not removeing hes put thame to the horne, and whome he acknawledges not to be men, tennentis, nor servandis to him, nor thei acknowledge him to be thair maister and landislord. Quhilk protestatioun the saidis Lordis admittit."

Band by Lord Herries for the good order and obedience of his men, tenants, and servants.

Commissions. Fol. 55, a.

Commission with full powers, under the Signet, signed by the Chancellor, Mar, and Binning, is given to Sir Robert Gordoun of , tutor of Sutherland, Sir Alexander Gordoun of Newdaill, William Sutherland of Duffus, George Murray of Spanziedaill, or any two of them, the Laird of Duffus being always one, to apprehend and try Paull M^cGillespik, domestic servant of Johne Murray of Abirscors, who was put to the horn on 17th November 1617, at the instance of the Laird of Duffus, as master, Elspett Murray, as relict, Johne M^cAllester Conell, as brother, with the remaining friends, of Donald M^cAlester, indweller in Skelbo, and with the Lord Advocate, for refusing to find caution to appear in answer to the charge of having murdered the said Donald.

Commission to Sir Robert Gordon and others for the apprehension and trial of Paul Mac-Gillespie, at the horn for the murder of Donald Macalister.

Lord Lovat. "Proclamatioun and commissioun to the Lord Lovatt." Sederunts. Fol. 26, a.

Town of Pittenweem. "A missive to the toun of Pittinweyme anent George Petrie, suspect of the pest."

Edinburgh, 10th July 1618. Caution for Gordon of Gicht and his son. Appeared Gordoun of Perk and George Chalmer of Cowbourtie and found caution in 10,000 merks for George Gordoun of Geycht, and George Gordoun, his eldest son (*ante*, p. 406). Signed by cautioners. Cautions 1618. Fol. 18, a.

Edinburgh, 13th July 1618. Caution for Alexander Morton. Appeared Williame Mackye, bailie of Wigtoun, and found caution in 500 merks for Alexander Mortoun, not to molest Andro M^cChortour, Isobell M^cClellane, relict of William Shorte in [Barleyrich], Jonet (?) M^cKye in Culkea (*ante*, p. 406). Fol. 18, b.

Edinburgh, 14th July 1618[1]. John Stewart fined for shooting wild fowl. Caution for the same. The Lord Advocate having summoned Johne Stewart, son and heir of William Stewart of Duntawlich, and the said Johne having admitted that "within this sex yeiris bigane he haid schote at mure foull, wyld dook, and draik," the Lords fine him £10. Fines. Fol. 48, b.

Alexander Ratray of Dalrelyeane, who was present, became cautioner in £100 for defendant's future obedience to the acts.

Caution for Johnston of Wamphray. This day Laurence Scott [advocate], handed in an act of cautionry in 1000 merks by James Johnstoun of Waistraw for Robert Johnstoun of Wamphray, not to molest Grahame of Gillesbie, his family, or his servants, dated at Edinburgh this day, and signed by the parties, and by Alexander Cwninghame and Hew Peiblis, witnesses. Cautions 1618. Fol. 18, b.

Halyruid-house, 16th July 1618. *Sederunt*—Chancellor; Bishop of Sanctandrois; Bishop of Glasgow; Lotheane; Roxburgh; Laudirdaill; Bishop of Ros; Binning; Cranstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop; Ridhouse; Curriehill; Sir George Erskin; M^r Petir [Rollok]; Sir Andro [Ker]; Sir Peter [Young]. Acta Sept. 1617–July 1620. Fol. 146, b.

Order that Holyrood-house be in future the ordinary place of meeting of the Privy Council. "Forsamekle as the Kingis Majestie for some speciall and goode considerationis hes thocht meete and expedient, commandit, and ordanit that the ordinarie meeteingis of his Majesteis Prevey Counsaill salbe [heir]efter in his Majesteis Palice of Halyruidhouse, thairfore the [Lordis] of Secreit Counsaill ordanis officeris of armes to pas to the [Croce] of Edinburgh, and thair be oppin proclamatioun to signifie and declair to all his Majesteis subjectis that the meeteingis of the Counsaill will heirefter be in the said Palice of Halyruidhouse, and that thair first meeting sall, God willing, be upoun the xvj day of Julij instant in the afternone, and thairfore to wairne all pairteis who hes ony actionis to persew or defend or ony uther mater to do before the Prevey Counsaill that thay attend Fol. 147, a.

[1] On this day John Taylor, the Water Poet, left London on his "Pennyless Pilgrimage" to Scotland. Ben Jonson had started from London for the same pedestrian journey about a fortnight before.

Acta Sept. 1617-July 1620.

and await at the said Palice of Halyruidhouse upoun the said xvj day of Julij instant in the afternone and upoun the ordinair dayis of meeting heirefter, quhair thay sall have dispatche of thair adois as accordis."

"Anent the frauchting of strangearis shippis."

"The quhilk day the commissionaris of the Burrowis and maisteris of shippis being at lenth hard anent the propositioun maid be his Majestie anent the exportatioun and importatioun of commoditeis be the subjectis of this kingdome in Scottis boddumes, the Lordis ordanis David Aikinheid, Deane of Gild of Edinburgh, and suche commissionaris for the Burrowis as wer present, to sett doun thair reasonis in write quhairfore the said propositioun sould not be grantit, and to deliver the same to the Clerk of Counsaill upoun Twysday nixt, to the effect he may deliver the same to the skippairis, and thay to set doun thair ansueris in write and to reporte the same to the Counsaill upoun Thurisday nixt; and ordanis the commissionairis for the Burrowis and the skippairis to mak choise of some fyve or sex of thair nomberis to attend heir till Thurisday to heir this mater reasouned and ordoure tane thairanent as accordis."

Charge to the broken men of the Clandonachie frequenting the lands of Lord Lovat, with commission to Lord Lovat for their apprehension.

The Lords of Privy Council are informed "that a nomber of the vagaboundis and brokin men of the Clandonochie and utheris clannis in the Heylandis of this realme hes of laite amassit thame selfis togidder, and in troupis and companeis are going athorte the cuntrey soirning and oppressing all his Majesteis guid subjectis in all pairtis quhair thay may be maisteris and commandairis, and in speciall a nomber of thame hes come and remanit this lang tyme bigane, as thay do yit, within the boundis pertening to Symone, Lord Fraser of Lovat, quhair thay not onlie have committit slauchter upoun some of his Majesteis guid subjectis who nevir offendit thame, bot with that thay oppres the haill inhabitantis within the saidis boundis, committing a nomber of insolenceis upoun thame unworthie to be hard of in a cuntrey subject to law and justice, heichlie to the contempt of oure Soverane Lord and to the grite hurte of his Majesteis guid subjectis dwelling within the saidis boundis. Thairfore the Lordis of Secrite Counsaill ordanis letteris to be direct to command and chairge all vagaboundis and brokin men remaning upoun and within the boundis, rowmes, and possessionis pertening to the said Symone, Lord Fraser of Lovat, be oppin proclamatioun at the mercat croce of Innernes and utheris placeis neidfull, that thay and everie ane of thame, within the space of sex dayis after the publicatioun heirof at the
Fol. 147, b. said mercat croce, reteir and withdraw thameselffis furth of the said Lord Lovattis boundis, and onnawyse to resoirt nor repair within the samyn in unlauchfull maner to soirne, trouble, and oppres ony of the inhabitantis within the same; certifeing thame that sall failyie and do in the contrair, the saidis sex dayis being bypast, that thay salbe taikin, apprehendit, and presentit to his Majesteis justice to be punist for thair dimeritis, conforme to the lawis of this realme." For this purpose full commission is given to the said Symone, Lord Fraser of Lovatt, and Thomas Fraser of Strowye. They are to present the vagabonds either to the sheriff of the

shire or to the Justice in the Tolbooth of Edinburgh. The usual immunities are granted in full form (*cf. ante*, p. 408). Acta Sept. 1617–July 1620.

Charge respecting a plague-infected Scottish ship from Norway, now lying in the harbour of Dunbar.

"Forsamekle as, Robert Hoig, skippair in Monrois, is laitlie come with his schip frome Norroway to this kingdome and is presentlie lyand with his schip in the harborie of Dumbar, in quhilk schip thair is some infectioun of the pest; and, gif he and his company sall come to land or disperse ony of the commoditeis of his schip, grite inconvenientis may fall oute, without remeid be providit: Thairfore the Lordis of Secrite Counsaill ordanis letteris to be direct chairgeing the said Robert to reteir him selff with his schip and his haill company and equippage, with the haill guidis and geir being within his schip, furth of this realme towardis Norroway with all possible diligence after the said chairge, wind and weddir serveing to that effect, and that he onnawyse presoome to come on land, nor to suffer ony of his equippage and company to come to land, and that thay disperse nane of the commoditeis and wairis being within the said schip, nor haif no kynd of doing with ony of the subjectis of this kingdome, bot to ressave suche provisioun of victuallis for thair furnissing as the magistratis of the burgh of Dumbar sall allow unto thame. And, gif he or his company hes already set ony keistis or cofferis a land, that thay tak in the same agane in thair schippis, undir the pane of dead; and that thay onnawyse presome to come bak to this cuntrey agane quhill it sall pleis God that thay be frie of the said seiknes; and at thair comeing bak that thay onnawyse come to land quhill thay acquent the magistratis of the pairtis and townis quhair thay sall arryve that thay be frie of all suspitioun of the said seiknes and procure thair consent to thair landing, undir the pane of deid; certifeing him and his equippage and company, gif thay failyie in ony point of the premisis, that thay salbe taikin, apprehendit, and execute to the dead without favour or mercie." Fol. 148, a.

Lauchlan MacLean of Coll.

"The Lordis of Secreit Counsaill, understanding that Lauchlane M°Clayne of Coill is visite with infirmitie and seiknes, sua that he can not gif his personall compeirance befoir the saidis Lordis at this tyme conforme to the cautione fand be him to that effect,—thairfoir the saidis Lordis excuisis the absence and not compeirance of the said Lauchlane at this dyet, and exoneris him of all pane and daingeir that he may incur thairthrow." Isles. Page 236.

[Sederunt as recorded above.]

Halyruid-house, 16th July 1618. Gilbert Walker and another against John Ramsay for violence and assault.

Complaint by Gilbert Walker, servant of Robert Durhame in the Lawis, Katherine Guild, "servand woman" to the same, and the said master for his interest, as follows:—On June last Johnne Ramsay, called "Blak Johnne of Pryourelethame," who has lands contiguous to pursuer's lands, being informed that pursuer was absent from his lands that day, rode on horseback to the place where his said servants were, "ovirraid thame, tred thame undir his horse feit, and with rungis schamefullie, cruellie, and unmercifullie strak and dang thame upoun sindrie pairtis of thair bodyis," Decreta Nov. 1617–Nov. 1618. Fol. 280, b.

Decreta Nov. 1617–Nov. 1618. Fol. 281, a.

and "brak thair headis in divers pairtis thairof."—The said Robert appearing for himself and his said servants, and defender not appearing, the Lords order defender to be denounced rebel.

Macaulay of Ardincaple against the provost of Kilmun and others for interference with his right of salmon-fishing at Garelochhead.

Complaint by Alexander M^{c}Caula of Ardincaple, as follows:—Pursuer has the right of the salmon fishing "upoun the head of Garloch" and has enjoyed it for many years. Neill M^{c}Phersane and Dougall M^{c}Intailyeour, his servants, lately caught a number of salmon in the said loch, and, "haveing saltit and barreleit the same to thair said maisteris use and behove," placed them in a house near the lochside to remain there till pursuer "had found the occasioun to have send for thame." Thereafter Archibald Campbell, provost of Kilmoun, Johnne Dow M^{c}Clachlane, apparent of Ardnadane, Duncane Roy M$_{c}$Clachlane, his servant, and others, all armed "with suche kynd of airmoure and waponis as are usuall in that nuke of the cuntrey," went to the said servants who were at the loch, cruelly assaulted them, and took the salmon from them.—Pursuer

Fol. 281, b.

appearing by Waltir M^{c}Caula, his eldest son, and defenders not appearing, the Lords order them to be denounced rebels.

Geils Roryson against Gilbert Greir and others for oppression and illegal arrest.

Complaint by Geillis Rorysoun, as follows:—Pursuer has an action before the Lords of Council and Session proceeding against Sir Williame Greir of Lag, Thomas Greir, elder of Pariarge, and Thomas Grier, his eldest son, and on 21st February last raised letters upon an act of the said process to summon certain witnesses for 22nd March. On last, while she was on her way towards Edinburgh with the said letters and executions thereof, she was met on the highway beside the Keir Mylne by Gilbert Greir of Beuchane, Fergus

Fol. 282, a.

Millegane at Keir Mylne, and others, armed with swords, &c., sent out at the instance of the foresaid parties, and was arrested by them. She was carried to the dwelling house of Johnne Creichtoun at the Keir Mylne, and there kept "in strait prisone" for 16 days, till they were sure that "the terme of probatioun wes circumduceit and the pairty absolvit." Again, on Sunday last, Williame Porter in Keir, Gilbert Greir of Auchingibert, James Greir, his son, Cuthbert Hairstones in Penfillane, Thomas Hairstonis, his brother, Johnne Hairstainis, servitor to Roger Greir of Bus, Johnne Greir of Pundland, Johnne Greir, his son, Roger Greir of Bus, and James M^{c}Cubene in Blakburne, all tenants and servants of the Laird of Lag, and Thomas Greir of Bariarge, went to pursuer's house in Penfillane, broke up the door, "tirrit the same house, brak up the kistis also being within the same, cuttit the grene lynt and young growand kaill with[in] the said yaird, shamefullie and unhonnestlie strak and dang hir to the effusioun of hir blood in grite quantitie. And, scho haveing fled furth of the said house, thay followit and chaissit hir to the watter of , and compellit hir for just feir of hir lyff to wyde the wattir to hir head, kaist stones at hir in the watter; and scho narrowlie

Fol. 282, b.

eschaiped with hir lyff."—Pursuer and defenders appearing, the Lords assoilzie defenders, because pursuer has failed to prove her charges.

Complaint by Thomas Grenlaw in Stanypeth, as follows:—On 2nd

Thomas Greenlaw against John Hay for assault.

June last, Johnne Hay in Newtoun Maynis, who has a grudge against pursuer, knowing that he was to return that day to Stanypeth from the Maynis of Newtoun, lay in wait for him on the highway, and, when he came up, rushed forth and attacked him with "ane drawne quhinyeair and a grite fork." Pursuer was severely wounded in the right arm and hand.—Both parties appearing, the Lords find the charge proven on confession of defender, and order him to be committed to the Tolbooth of Edinburgh, therein to remain at his own expense till relieved. Decreta Nov. 1617–Nov. 1618.

Commission to the magistrates of Ayr in a witchcraft case.

Commission under the Signet, signed by the Chancellor, Mar, Kilsyth, and A. Drummond, is given to the provost and bailies of Air to try William Nicoll, timber merchant in Air, and Malie Wilsoun there, now in ward on suspicion of having practised witchcraft. Commissions. Fol. 56, a.

Commission to Lord Lovat and others for the apprehension of James Scott, at the horn on a charge of murder.

Commission with full powers, under the Signet, signed by the same, is given to Symon, Lord Fraser of Lovatt, Johne Cuthbert of Castelhill, provost of Innernes, Sir Johne Campbell of Caddell, Johne Innes of Leucharis, James Rutherfoord, provost of Elgin, M^{r} Johne Innes of Coxtoun, and Alexander Innes of Cottis, or any two of them, to apprehend and try James Scott, tailor in Elgin, who remains unrelaxed from a horning of 4th June, at the instance of Thomas Purs, indweller in the College of Elgin, as father, and the remaining kin, of Walter Purs, eldest son of the said Thomas, for not having found caution for his appearance to the charge of having murdered the said Walter.

Gordon of Gicht and his son fined.

"The quhilk day the Laird of Geycht and his sone wer fyned in v^{c} merkis for weiring of pistollettis" (*cf. ante*, p. 399). Sederunts. Fol. 26, b.

Order to Gordon of Gicht and his son to find caution.

"Ordanis Geycht and his sone to find cautioun for keepeing of the peace and for thair personall compeirance befoir the Counsell quhen thay salbe callit, ather of thame under the pane of x^{m} merkis; and to find lawborrowis to Patrik and M^{r} Williame Levingstonis, ather of thame under the pane of v^{m} merkis; and that thay sall not beare nor weare hagbutis and pistollettis in tyme comeing, ather of thame under the pane of v^{c} li. *toties quoties*" (*ib.*).

Edinburgh, 17th July 1618. Caution for Cranstoun of Skaitsbuss.

Appeared Thomas Edmestoun of Natoun, and found caution for Johnne Cranstoun of Skaitisbus not to molest . . . . . or his friends. Cautions 1618. Fol. 19, a.

Halyruidhouse, 23rd July 1618.

Sederunt—Chancellor; Treasurer; Bishop of Glasgow; Wyntoun; Perth; Roxburgh; Laudirdaill; Sanquhair; Binning; Lord Erskine; Carnegye; Bishop of Ros; Master of Elphinstoun; Treasurer-Depute; Privy Seal; Justice Clerk; Advocate; Kilsyith; Bruntiland; Ridhouse; Medop; Curriehill; Sir George Erskine; Sir Andro Ker; Sir Petir Young; M^{r} Petir Rollok. Acta Sept. 1617–July 1620. Fol. 148, a.

Postponement of the business "anent the fraucht of

"The quhilk day the objectionis gevin in be the Burrowis anent the prohibitioun and dischairge craved for importatioun and exportatioun of commoditeis be the subjectis of this kingdome in strangeris boddumes, and

Acta Sept. 1617–July 1620. Fol. 148, b.

the answeris maid thairunto be the maisteris of schippis, wer gevin in to the Counsaill and red in thair awdience, and in the presence of the Deane of Gild of Edinburgh and some otheris commissionairis for the Burrowis, and in the presence of a nomber of skippairis and maisteris of schippis; and the Lordis of Secrite Counsaill, haveing at lenth advisit thairwith, and finding the mater to require grave aduise and deliberatioun, and seeing thay can not attend and await thairupoun this sessioun, in respect of thair daylie attendance upoun the Platt, thairfore thay have continewit the mater to the first Counsaill day after Martymes, to the effect in this meantyme the Burrowis may be advisit with the ansueris gevin in to thair objectionis be the skippairis and maisteris of shippis, [and may] be the better prepairit to ansuer thairunto. And the Burrowis nominat David Aikinhead and Andro Scot, Henry Adair, clerk of Perth, Mr Alexander Weddirburne, clerk of Dundie, George Nicolsoun, burgess of Abirdene, Johnne Scherair, burgess of Striuiling, and Gabriell Cunynghame, burges of Glasgow, to attend and await heir for the Burrowis; and the skippairis nominat Johnne Durie, George Smailhome, James Baird, William Mekilljohne, Robert Logy, and James Home to attend and await for thame at the first Counsaill day after Martymes, to heir and sie this mater reasouned and ordoure tane thairwith accordinglie." strangeairis schippis.'

Isles. Page 237.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Sir Lauchlane M^cKynnoun of Strathurdell and Hector M^cClayne of Lochbuy; and the said Sir Lauchlane exhibite Johnne M^cKynnoun, his uncle, and the said Hector exhibite Murdo M^cClayne, his uncle, for obedience and satisfactioun of the actis quhairby thay wer bundin and obleist to that effect." Mackinnon of Strathordell and MacLean of Lochbuy.

"The Lordis of Secreit Counsaill continewis the compeirance befoir thame of Johnne M^cDonald M^cAllane V^cEane of Ilantyrum, capitane of the Clanrannald, and of Ronnald M^cAllane V^cEane, his uncle, untill the tent day of November nixttocome. Off the quhilk continewatioun James Logy, who compeirit as procurator for thame to excuse thair absence and not compeirance, is warnit *apud acta*." The Captain of Clanranald.

Decreta Nov. 1617–Nov. 1613. Fol. 283, a.

[Sederunt as recorded above, with the addition of the *Clerk of Register*.][1] Halyruidhouse, 23rd July 1618.

Complaint by James Stewart of Burray that Alexander Lawder of Haltoun remains unrelaxed from a horning of 22nd July instant for not paying 260 merks of principal and 20 merks of expenses; also that Johnne Naismyth, indweller in Edinburgh, as principal, and Alexander Lawder, elder of Haltoun, as cautioner, remain unrelaxed from a horning of the same date for not paying 880 merks of principal and 100 merks of expenses.—Pursuer appearing, and the said Laird of Haltoun not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Caption against Alexander Lauder of Haltoun for debt to James Stewart of Burray.

[1] So, too, in the *Book of Sederunts*.

CROYDON PUBLIC LIBRARIES CENTRAL

William Dods and George Dickson against Archibald Newtoun of that Ilk for oppression and assault.

Complaint by the King's Advocate, and William Dodis in Newtoun Hall, and George Diksoun, his servitor, as follows:—On instant Archibald Newtoun of that Ilk went up to the said William Dodis on two occasions, when the latter was in the fields looking after his horses and "uther bestiall," and struck him several times with a drawn sword,—"the said Williame being than naiked and without ony kynd of armour." Thereafter the said Archibald went up to the said George Diksoun "at the kirk of the yairdis of Newtounhall," and, before he was aware, drew a charged pistollet "oute of his poutche," and fired it at him. Again, at night, after supper, the said Archibald, "persaveing the said William standing in his awne dure, and the said Archibald being in his awne house neir adjoyning neir unto the said complenairis house, the said Archibald stellit ane lang hagbut oute at ane windo of his awne house lookeing directlie to the dure of the said Williames said house, and schote and dischairget the said hagbute at him with a nomber of small lead thairintill, quhairwith he hes schoite the said Williame throw the lisk and theyes in sindrie pairtis thairof, of set purpois to have murdrest the said Williame thairwith, quhairof he lyis yit bloodand inwith and is out of all hoip to convalesche. And his wyff, being grite with chylde, wes so effrayed that scho is become licht and mad."—Pursuers appearing personally, and defender not appearing, the Lords order defender to be denounced rebel. Decreta Nov. 1617–Nov. 1618. Fol. 284, a.

Suspension of horning against John MacAlexander of Drummochren.

Complaint by Johnne M^{c}Alexander of Drummochrene that he has been put to the horn wrongously at the instance of George M^{c}Alexander of Corsclayis, as master of Duncane Gray and Johnne Fergie, for not having appeared to answer the charge of having assaulted his said servants (*ante*, p. 402). Pursuer was not lawfully summoned; yet, for obedience, he had found caution in 300 merks to appear this day, and to pay 40 merks for his escheat.—Pursuer appearing, and defenders not being present, the Lords order the suspension of the said process. Fol. 284, b.

Prosecution of Gilbert Hunter in Leith for illegal import of tobacco.

Complaint by the Treasurer, Treasurer-Depute, and King's Advocate that Gilbert Hunter, indweller in Leith, has, since the last day of March 1617, violated the acts anent the inbringing of tobacco, by having brought home or sold 1200 lbs. weight at 16s. the ounce.—The King's Advocate appearing, and defender being present, the Lords find that defender on his own confession has brought home and sold 600 lbs. of tobacco at £3 the lb., and order him to pay over the price of the said quantity to the Treasurer. Fol. 285, a. Fol. 285, b.

Case of Margaret Rutherfurd against Walter Turnbull.

The Lords continue the action of Margaret Rutherfurde, relict of Mark Turnble, aganist Waltir Turnbull of Reflat, "tuitcheing certane pointis of oppressioun commitit be him upoun hir, and tuitcheing the suffering of ane submissioun past betuix thame to desert," to the first Council day in October.—Pursuer was present, and defender appeared by David Plumbar.

Commission to the Sheriff of Wigtown for the apprehension of

Commission under the Signet, signed by the Chancellor, Mar, R. Cokburne, and Kilsyth, is given to the sheriff of Wigtoun and his deputes to apprehend and exhibit Johnne Kennedy, notary within the sheriffdom of Commissions. Fol. 57, b.

Commissions.

Wigtoun, "who is suspect and dilait of divers capitall crymes and pointis of falset commitit be him in his office of notarie." John Kennedy, notary.

Commission with full powers, under the Signet, signed by the same, is given to William, Earl of Monteithe, Sir Archibald Stirling of Keir, knight, Sir George Mushett of Burnbank, knight, and David Halden, steward depute of Menteith, to apprehend and try Andro M^{c}Farlen in Lettir, who is unrelaxed from a horning of 4th December last, at the instance of David Muschett of Cailiehatt, for not having answered to the charge of having stolen 40 sheep from the lands of Fratrie and 2 "ky" from the lands of Cailyeechatt. Commission to the Earl of Menteith and others for the trial of Andrew Macfarlane for cattle-stealing.

Fol, 58, b.

Commission under the Signet, signed by the same, is given to the Captain and Lieutenant of the Guard and their company, Sandielandis, apparent of St. Monanis, and to the provosts and bailies of St. Androis, Couper, Carraill, Anstruther, Pittinweyme, Kirkaldy, and Dysert, to apprehend and try William Gilmoure in Achtermuchtie, Gawin Adiesoun, younger, in Pitcairlie, and Thomas Hardye of Eastmylne, who remain unrelaxed from a horning of 11th instant, at the instance of Bessie Stirk, relict, and the nine children, of the late James Thomesoun in Wathersbie, for not having found caution to answer the charge of having murdered the said James Thomesoun. Commission to the Captain of the Guard and others for the apprehension and trial of William Gilmour in Auchtermuchty and others, at the horn on a charge of murder.

Fines.
Fol. 47, a.

The Lord Advocate having preferred charges aganist Patrik Campbell, natural son of the Laird of Glenurquhy, Patrik Campbell Beg, his son, Donald Sinclair in Alotha, Robert M^{c}Phatrik V^{c}Gillespick, servitor to Robert Campbell of Glenfalach, Donald M^{c}Phaull V^{c}Aclerich in Edinampell, Johne Grahame *alias* M^{c}Grigour there, Angus M^{c}Inkeard in Barawirich, Donald M^{c}Phatrik V^{c}Nicoll in Socka, Finlay Dow M^{c}Gillespik V^{c}Ewin in Glenlyoun, Johne M$_{c}$Robert Stewart, servitor to Patrik Campbell, Patrik M^{c}Kandley V^{c}Ean, servitor to the Laird of Glenurquhy, Gromich M^{c}Ineskair in Glenlochie, Ewin M$_{c}$Gilechonell in Awchinschalline, Johne M^{c}Innes Yir in Clasgons, Donald M^{c}Ean V^{c}Gillespik, Angus M^{c}Gillephatrik V^{c}Nicoll in Glenstrae, Johne Dow M^{c}Kerik, servitor to Robert Campbell of Glenfaloch, Donald M^{c}Gilephatrik, V^{c}Nicoll in Glenurquhy, Johne Dow M$_{c}$Coldnich in Innernuik (?), Duncane Dow M^{c}Inrioch in Glenlyoun, Duncane M^{c}Keandlay Roy there, Calum Bayne M^{c}Gregour in Ardlairich, Grigour Roy, his brother, Allester M^{c}Alester V^{c}Keandlay V^{c}Inroy, Alester M^{c}Alester V^{c}Innes in Aulich, Gibeine (?) M$_{c}$Alester V^{c}Innes there, his brother, Johne Ower M^{c}Gillichrist in Learoun, Angus M^{c}Condoquhy Nuk in Ardlarich, Johne M^{c}Ewin V^{c}Ewin in Rannoch, Grigour M^{c}Ean Veill V Gillechallum there, Johne M Eandowvig there, M^{c}Coneill V$_{c}$Eane Roy Chamhorrane, and Archibald M^{c}Condoquhy V^{c}Alester *alias* M^{c}Gregour in Rannoch, for having contravened the acts anent the carrying of firearms and the shooting of wildfowl, &c., and the said Patrik Campbell, natural son of the Laird of Glenurquhy, Patrik Campbell Beg, Donald Sinclair, Robert M^{c}Phatrik V^{c}Gillespik, Donald M$_{c}$Feill, Johne Grahame *alias* M^{c}Grigour, Donald

Fol. 47, b.

M$_{c}$Phatrik V$_{c}$Nicoll, Finlay Dow M^{c}Gillespik, Patrik M$_{c}$Eanelay V^{c}Eane, Edinburgh, 24th July 1618. Government prosecution of Patrick Campbell and a number of other Highlanders for illegal carrying of firearms and shooting of wild fowl. ("The fynes ar xlv^{li} ñ. xiij s. iiij đ.")

Donald M^cEane V^cGillespik, Angus M^cGilephatrik V^cNicoll, Duncane Mackenlay Roy, and Johne Dow M^cKerik appearing, and the others not being present, the Lords find the following guilty and fine them in these sums,—viz. Patrik Campbell Beg, Donald M^cFaill V^cAclerich, Angus M^cGillephatrik V^cNicoll, and Johne Grahame *alias* M^cGrigour £10, and the said Donald M^cPhatrik V^cNicoll 10 merks. They assoilzie the other defenders present, because they have denied the charges on oath, "except in this poynt, that the saidis Patrik Campbell and Johne Dow M^cKeanrik grantit and confest that at the tyme of the Kingis Majesteis lait being heir they slew sum venniesoun to the Kingis Majesteis use at the command of the Laird of Glenurquhy, thair maister." They order the absentee defenders to be denounced rebels. Fines. Fol. 48, a.

Cautions for some of the said Highlanders.

This day the foresaid Patrik Campbell, natural son of Glenurquhy, became cautioner in £100 for Patrik Beg Campbell, also son of the said Laird; likewise the said Patrik Beg Campbell for his said brother, in £100; Robert M^cPhatrik V^cGillespik, servitor to Robert Campbell of Glenfalach, for Johne Dow M^cKenrik, also servitor to the said Robert, in £100; the said Johne Dow M^cKeanrik for Robert M^cPhatrik V^cGillespik in £100; Donald M^cPhaill V^cAclerich in Edinampill for Johne Grahame *alias* M^cGregour in £100; the said Johne Grahame for Donald M^cPhaill in £100; Donald M^cPhatrik V^cNicoll in Sockach for Angus M^cPhatrik V^cNicoll in Glenstrae in £100; the said Angus M^cGillephatrik for the said Donald M Phatrik V^cNicoll in £100; Finlay Dow M^cGillespik V^cEwin in Glenlyoun for Duncane M^cFinlay Roy in Glenlyoun in £100; Duncane M^cKenlay Roy for the said Finlay Dow M^cGilespik V^cEwin in £100; Finlay Dow M^cGilespik for Patrik M^cKinlay V^cEane, servitor to the Laird of Glenurquhy, in £100; and Angus M^cGilepatrik V^cNicoll for Donald M^cEan V^cGillespik in £100: not to carry firearms or shoot wildfowl, &c. Fol. 48, b.

Cautions for Dunbar of Westfield and Dunbar of Balnaferrie.

Cautions 1618. Fol. 19, b.

Appeared David Kinloche, merchant burgess of Edinburgh, and became cautioner for Johnne Dunbar of Westfeild, in [1000] merks, and also appeared George Duffus (?), burgess of Forres, who became cautioner for James Dumbar of Balnaferrie, brother of the said John in [500] merks: that the said persons shall appear on 19th August next to answer the charge of having assaulted Patrik Dunbar of [Westertoun].

Caution for Hay of Gamstone.

Appeared Williame . . . "lorymer," burgess of . . . , and became cautioner in for Johnne Hay of Gamestone, not to molest Thomas . . . and his family.

Caution for Dunbar of Westfield and Dunbar of Lochhills.

Appeared George Abirnethie, advocate, and gave in (a) a document declaring that Chairlis [Reid], burgess of Forres, had become cautioner in for Patrik Dumbar of Westfeild, not to molest Patrik Dumbar of Westertoun, his family, and his servants, which had been signed by Dumbar of Lochhillis, [Thomas Philp], servitor to the Sheriff of Murray, and other witnesses. (b) another, that Alexander Dumbar of Ballablair had become cautioner for Alexander Dumbar of Lochhillis to the same end.

Acta Sept. 1617–July 1620. Fol. 148, b.

[No record of Sederunt.]

Edinburgh, 28th July 1618. Order and warrant to the Magistrates of Edinburgh for taking precautions against the landing of plague-infected ships or goods during the approaching autumn vacation of the Council.

"Forsamekle as thair hes sindrie schippis come this yeir frome Norroway quhairin thair hes bene some suspitioun of the plague of pestilence [*ante*, p. 410], and some ma schippis ar yit looked for to come frome these pairtis this yeir, with whome gif some guid course be not tane, by putting thame undir tryall in certane remote pairtis be thame selffis afore thay be sufferit to come to land or to dischairge thair laidning, grite inconvenientis may fall oute, and the infectioun of that seiknes, gif ony of the saidis schippis be visite thairwith, will haif a forder course and progres, to the trouble of the haill cuntrey; and see[ing] the tyme of the harvest vacance now approtcheis, sua that the Lord[is of] Secrite Counsaill will not be present at all tymes to gif ordoure and d[irecti]oun in thir materis as thay salhappin to occur and fall oute, and [the] saidis Lordis being cairfull that thair absence in this tyme of [vacance] sa[ll] gif no occasioun to neglect and oversee the ordinarie meanes qu[hilkis] God allowis to be used in suche caises: Thairfore the said [Lordis] hes recommendit, and be the tennour heirof recommendis, the di[rectioun] and ordour taking in this bussynes, alsweill with the [schippis] quhilkis are alreadie come home and lyand in the road of [Leithe as] with suche otheris schippis as sall arryve this yeir at the [roade and] porte of Leithe, unto the Provest, Bailleis, and Counsaill of [Edinburgh]; unto whome the saidis Lordis gevis commissioun and expres co[mmand] and chairge be thir presentis to tak suche course and ordoure with [the] saidis schippis already come home and with suche otheris [as sall come] Fol. 149, A. a. home as thay sall think expedient, outher by suffering thame to come a land and to dischairge thair laidningis, or by directing of thame to some remote and quiet pairtis to abyde thair tryall for suche space as they sall appoint, and to do and performe suche otheris thingis concerning this bussynes as thay sall think moist meete and expedient for preventing and staying, at the pleasoure of God, the course of that seiknes. Whairin the saidis Lordis doeth expect that the saidis Provest, Bailleis, and Counsaill will haif suche a speciall and tendir cair and regaird for the weill of the cuntrey and preservatioun and saulftie of thair awne toun, as thay wilbe ansuerable to God, the Kingis Majestie, and the saidis Lordis."

Charge for preservation of the peace between the Dalgleishes and the Scotts.

The Lords understanding that there is "a verie grite inimitie, grudge, and evill will standing betuix Johnne Dalgleische of Dewchair, Adame, Waltir, and Johnne Dalgleischeis, his sones, Waltir Dalglische in Pura, George Dalgleische in Blakgrayne, and Williame Dalgleische, sone to Johnne Dalgleische in Quhithoip, on the ane pairt, and Robert and Johnne Scottis, sones to William Scot of Infasheuch, on the uther pairt," order the said parties to find caution to keep the peace in these sums,—Johnne Dalgleische of Dewchair in 1000 merks, his sons in 500 merks each, and each of the others in 300 merks.

Halyruidhouse, 30th July 1618.

Sederunt—Chancellor; Treasurer; Bishop of Glasgow; Wyntoun Perth; Lotheane; Roxburgh; Bishop of Ros; Scone; Binning

Lord Flemyng; Carnegy; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Ridhouse; Curriehill; Sir George Erskine; Mr Petir Rollok; Sir Andro Ker; Foistersait; Sir Petir Young; Conservator. Acta Sept. 1617–July 1620.

Warrant to the Sheriffs of Edinburgh and the Sheriffs of some other shires to continue in office notwithstanding the expiry of their terms of office.

"Forsamekle as the commissionis of schirefschip grantit to the personis underwrittin within the boundis of the schirefdomes following,—that is to say, to Schir James Foullis of Colintoun within the boundis of the schirefdome of Edinburgh principall, to Mr Patrik Hepburne of Smetoun within the boundis of the constabularie of Haddingtoun, to Alexander Home of Rentoun within the boundis of the schirefdome of Berwik, to Mr Alexander Hamiltoun of Kinglas within the boundis of the schirefdome of Linlithqw, to Chairterhouse of Amisfeild within the boundis of the schirefdome of Drumfreis, and to David Hammiltoun of Cochno within the boundis of the schirefdome of Dumbertane,—do now expyre upoun the last day of Julij instant; and whereas the Kingis Majestie, in respect of mony his princelie effairis quhilkis daylie occuris, hes not had tyme nor laser to declair his will and pleasoure whome he will prefer and advance to the saidis officeis for this ensewing yeir; and the Lordis of Secrite Counsaill being cairfull that in this meantyme the administratioun of justice in materis belonging to the office of schirefschip sall not cease within the saidis boundis, and that his Majesteis leigeis sall nawyse be frustrat nor disapointit of justice in ony of thair actionis and causis depending or to be intentit before the saidis schireffis: Thairfore the saidis Lordis hes continewit, and be the tennour heirof continewis, the saidis personis and everie ane of thame in thair saidis officeis of schirefschip, and commandis and ordanis thame to use and exerce thair saidis officeis and to proceid and minister justice to all his Majesteis leigeis in all and sindrie actionis and causis depending or to be intentit and persewit before thame siklyke and als frelie in all respectis, and with als grite fredome, libertie, and auctoritie, as thay did or micht have done at ony tyme bigane be virtew of thair commissionis, and that ay and quhill the Kingis Majestie declairis his will and pleasoure whome he will prefer to the saidis officeis and that the saidis personis be specialie dischairget be the Lordis of Secrite Counsell frome forder useing of the saidis officeis; [ferme] and stable halding and for to hald all and quhatsumevir thing the saidis personis sall lauchfullie do in thair saidis officeis. And [for] the useing and exerceing quhairof thir presentis salbe unto thame [ane] warrand. And ordanis letteris to be direct chairgeing officeris of [armes] to pas to the mercat croceis of the head burrowis of the said [schiref]-domes and utheris placeis neidfull and thair be oppin [proclamati]oun mak publicatioun of the premisis, quhairthrow nane [pretend] ignorance of the same." Fol. 149, A. b.

Charge to Andro Hart and Thomas

"The quhilk day Andro Hairt and Thomas Finlaysoun, pre[ntaris, com]-peirand personalie before the Lordis of Secrite Counsaill, thay [wer]

Acta Sept. 1617 July 1620.

commandit be the saidis Lordis, as thay wilbe ansuerable at thair heichest chairge and perrell, that thay onnawyse presoome nor [tak upoun] hand to gif furth or disperse nor yit suffer to be sene ony [of the bookis] laitlie imprented be thame contening the poemes, speecheis, verseis, and valeis writtin and deliverit to the Kingis Majestie the tyme of his laite being in this kingdome, quhill first his Majestie have sene the saidis bookis and that thay obtene the saidis Lordis warrand for outputting of the same. Quhilk the saidis personis, being personalie present, promeist to obey: as alsua thay promeist to have the saidis bookis perfyte and compleit within fourty aucht houris after the date of thir presentis. And the saidis Lordis ordanis thame to deliver four score of the saidis bookis compleit to Williame, Bischop of Galloway, Deane of his Majesteis Chappell, to the effect he may send fourty of thame to his Majestie and distribute uther fourty thairof amongis the prelattis, nobilitie, and counsallouris of this kingdome. And, whereas the said Bischop of Galloway proponnit and nominat unto the saidis Lordis Mr Johnne Adamsoun, minister at Libertoun, as the most meete persone to have the chairge of the careying and deliverie of the saidis bookis to his Majestie, in respect he collectit, revised, and attendit the prenting of the same, and wes the correctair thairof, the saidis Lordis allowis of the nomnatioun maid be the said Bischop of Galloway of the said Mr Johnne Adamsoun for this bussynes, and accordinglie thay have maid choise of him to be the careyair and deliverer of the saidis bookis to his Majestie."[1]

Fol. 149, B. a.

Finlayson, printers, not to issue any copies of the book containing the Poems, Speeches, &c., in welcome of his Majesty on his late visit till the said book has been seen and approved by his Majesty; with particular further orders respecting the issue of the said book.

"The Lordis of Secreit Counsaill undirstanding that his Majesteis signet by the daylie and frequent useing thairof is now so worne and become so lauche as hardlie can the impressioun thairof be knowne, quhairby euill disposit personis may tak occasioun to counterfute the signet, to the grite hurte and prejudice of all his Majesteis leigeis, without remeid be providit: Thairfore the saidis Lordis ordanis and commandis the sinkair of his Majesteis irnis to mak and sink ane new signet according to the forme, proportioun, and impressioun of the auld signet in everie pointe. For doing quhairof the extract of this act salbe unto him a sufficient warrand."

Order for the making of a new King's Signet instead of the present one, which is worn out by use.

"Forsamekle as the Kingis Majestie, upoun divers guid respectis and considerationis tending to the glorie of God, and establischeing of peace, concorde, and unitie in the Kirk, hes thocht meete and expedient, commandit, and ordanit that thair salbe ane Nationall Assemblie keipit and haldin at the burgh of Perth, and sall begin, God willing, upoun the xxv day of August now approtcheing: Thairfore the Lordis of Secrite Counsaill ordanis letteris to be direct chairgeing officeairis of airmes to

Proclamation for the meeting of a National Assembly of the Kirk at Perth on the 25th of August next, with appointment of Lords Scone,

[1] The book which forms the subject of this Act is the famous TA TΩN MOYΣΩN EIΣOΔIA or *Muses Welcome*, of which there has been frequent mention already in previous footnotes. It is interesting to find now that it was regarded as an important State-publication, and that his Majesty himself was so careful about the appearance of this literary commemoration of his late visit to Scotland.

Binning, and Carnegie to be King's Commissioners in the Assembly, and with other directions relating to it.

pas to the Mercat Croce of Edinburgh and otheris placeis neidfull, and thair be oppin proclamatioun to mak publicatioun of the premisis, and to wairne all and sindrie archbischoppis, bischoppis, commissionairis, and all utheris haveing place and voit in the said Assemblie, that thay addresse thameselffis to the burgh of Perth the day foirsaid and thair attend and await upoun the said Assemblie, as thay will answer upoun the contrarie at thair perrell.—Followis his Majesteis missive letter for the warrand of the act abonewrittin.—Right trustie and richt weilbelovit cosen and counsallour, and richt trustie and weilbeloved counsallouris, we grite yow weill. Wheras for establisheing of peace and concord in the Churche of that oure kingdome we have thocht it expedient to appointe ane Nationall Assemblie to be keipit at Perth the xxv day of August nixt, we have thocht good by these presentis to will and require yow to caus the same be publisched and intimated to all oure subjectis by proclamatioun according to the ordour accustumed in the lyke cases. And, becaus it is requisite that some soulde by commissioun represent oure sacred persone in the said assemblie, we have maid choise of yow the Lord of Scone, of yow oure Secretarie, and of yow the Lord Carnegy, conjunctlie to supplie that place. And, to the intent that materis may the soonner and bettir to oure contentment be performed, we have lykwyse maid choise of yow, Sir Richard Cockburne, our Prevey Seale, Sir James Levingstoun of Kilsyth, Sir George Hay, Clerk of oure Register, Sir William Oliphant, oure Advocat, and Sir Gedeone Murray, oure Deputie Thesaurair, to be assessouris to our said Commissionaris. It is also oure forder pleasoure that ye gif order to the Capitane of oure Guard with his horsemen to attend oure said Commissionaris during all the tyme of the said Assemblie. And, in all the premisis requireing your speciall diligence, becaus the tyme is no neare, we commend yow all to Godis keiping. Gevin at Totenham, the xxvij of Julij 1618."

Acta Sept. 1617–July 1620.

Fol. 149, B. b.

Order anent John Innes, an excommunicated minister, who is continuing his scandalous behaviour in the country of Caithness.

"Forsamekle as, Maister Johnne Innes, sumtyme minister, haveing this long tyme bigane verie fer disturbit the peace of the Kirk by usurpatioun upoun him of the ministerie and prophanatioun of the sacramentis, for the quhilk he wes lauchfullie and ordourlie excommunicat, and as [he yit] lyis undir the proces of excommunicatioun and hes ben divers [tymes] commitit to waird and relevit thairfra upoun hoip and promeis [of his] amendiement and reconsiliatioun to the Kirk, he hes now at [lenth] reteirit him selff to the cuntrey of Caithnes, quhair he beha[vis] him selff verie sclanderouslie, alsweill by prophanatioun of [the] sacramentis and making of unlauchfull mariageis as by bapti[sing] of bairnis procreat in adulterie, incest, and fornicatioun in . . . and byris, to the offence and displeasoure of Almichtie [God and] of his holie ministerie: Thairfore the Lordis of Secreit [Counsaill] ordanis and commandis the schireff of Caithnes and his [deputis to] tak and apprehend the said Mr Johnne quhairevir he [may be appre]hendit within the boundis of the schirefdome of Caithnes [and com]mit him to waird and detene him thairintill, ay and quhill [he reconsile] him self to the Kirk and obtene him selff relaxt fr[a

Acta Sept. 1617-July 1620.

the pane] of excommunicatioun: ferme and stable halding and for [to hald . . . ."[1]

Decreta Nov. 1617-Nov. 1618.

[Sederunt as recorded above.]

Halyruid-house, 30th July 1618. Robert Dykes against James Riddell of Rutherglen and his sons for assault: charge held proven, and the said James Riddell committed to ward and deprived of his office of bailie of Rutherglen.

Fol. 285, b. Complaint by Robert Dykis in Rutherglen, as follows:—James Riddell, burgess of Rutherglen, caused pursuer to be committed to the tolbooth of Rutherglen on instant, where he was detained for some hours. Pursuer having been released "thrie sindrie tymes" by the provost, defender took offence, went to pursuer, and struck him "with a grite gad of irne," almost felling him. On another day defender, and James and Claud Riddell, his sons, went up to pursuer on the "hie calsay" of the said burgh and set upon him, the father "with a batoun" and the sons with "grite stones." Pursuer was severely wounded in the head and other parts.—Pursuer appearing, and James Riddell appearing for himself and his said sons, the Lords find the charges against defender and the charge

Fol. 286, b. against his son Claude proven, and order the said James to be committed to the Tolbooth, therein to remain at his own expense during their Lordships' pleasure. "And, seeing the said James Riddell, elder, the tyme of the committing of this insolence, wes baillie of the burgh of Rutherglen, and in that regaird sould haif careyed him selff discreitlie and modestlie to the nichtbouris and inhabitantis of the said burgh, and sould not haif gevin so evill example of insolence and brek of the peace to otheris, thairfore the saidis Lordis declairis the said James to be incapable of ony publict office or chairge within the said burgh heirefter, and dischairgeis the personis haveing voit in the electioun of the magistratis of the said burgh of all electing and chuseing of the said James to beare office within the said burgh in ony tyme comeing." Further, the Lords order defender to find caution in 500 merks for pursuer's indemnity.

Caption against Robert Irving for debt to Edward Johnston.

Complaint by Edward Johnnstoun, elder, merchant burgess of Edinburgh, that Robert Irwing, indweller in the Mill at Cowie, remains unrelaxed from a horning of 24th December 1617 for not paying 200 merks together with 2 chalders of victual or the price of the same for 1615 and 1616, and for not finding caution for payment of the same, and certain

Fol. 287, a. expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender seize his houses, and inventory his goods for the King's use.

Caption against James Arthur, burgess of Edinburgh, for debt to Thomas Bannatyne.

Complaint by Thomas Bannatyne, merchant burgess of Edinburgh, that James Arthour, merchant burgess of Edinburgh, and Jeane Courtie, his spouse, as principals, and David Weir, merchant burgess of Edinburgh, as cautioner, remain unrelaxed from a horning of 18th July for not

Fol. 287, b. paying 2400 merks of principal and £200 of expenses.—Pursuer appearing by Johnne Andirsoun, messenger, and defenders not appearing, the Lords give order to the Captain of the Guard as above.

Complaint by William Dodis in Newtounhall, and George Diksoun, his

[1] One or more leaves are here wanting.

Caption against Newtoun of that Ilk, at the horn for assault.

servitor, that Archibald Newtoun of that Ilk remains unrelaxed from a horning of 25th July instant for not having appeared before the Council in answer to the charge of having fired a pistollet at them (*ante*, p. 414). —Pursuers appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order to the Captain of the Guard as above. Decreta Nov. 1617–Nov. 1618. Fol. 288, a.

Caption against Ramsay of Priorletham, at the horn at the instance of Lady Grange and her son.

Complaint by Jeane Leslie, Lady Grange, and Robert Durhame, her son, tenant of her lands of Lawis, that Johnne Ramsay of Pryourlethame remains unrelaxed from a horning of 14th July instant for not finding caution in 1000 merks for their indemnity.—Pursuers appearing by George Thomesoun, and defender not appearing, the Lords give order to the Captain of the Guard as above. Fol. 288, b.

Counter-statement by James Riddell, bailie of Rutherglen, in the matter of the charge against him by Robert Dykes.

Complaint by James Riddell, one of the bailies of the burgh of Rutherglen, as follows:—Complaint having been made to him by James Elphinstoun, indweller in Glasgow, that Robert Dykis, weaver, burgess of Rutherglen, had stolen or reset "ane unbleitchet lyning cloathe of fourtye elnes of lenth," and had "cuttit or raschet the merk furth of the web and causit bleitche the samyn to his awne use," he had caused the said Robert Dykes to appear before him for trial. Defender was found guilty, and committed to the tolbooth of the burgh. He, however, escaped, and thereafter endeavoured to have his revenge on pursuer for sentencing him as aforesaid. On July instant defender, and George Smyth, burgess of Rutherglen, assaulted him in the burgh "with a grite gaid of irne maid and prepairit for the purpois." On instant the said Robert went, by way of hamesuckin, to pursuer's house and committed a further assault with a "grite braid knyff," cut his clothes in sundry places, and would have slain him had not some neighbours come to the rescue.—Pursuer and defender appearing, the Lordis assoilzie defender, because pursuer has failed to prove his charges (*cf. ante*, p. 421). Fol. 289, a.

Against Thomas Butchart, and others in Dundee, for illegal import and sale of tobacco.

Complaint by the King's Advocate that the following persons have, since the last day of March last, contravened the acts anent the import and sale of tobacco,—viz., Thomas Butchert, merchant burgess of Dundie, Henry Guthrie, merchant there, James Butchert, merchant there, and Williame Lindsay, mariner there.—Pursuer appearing, and Thomas Butchert and Henry Guthrie being present, and the other defenders not appearing, the Lords find that the said Thomas sold 4 stone weight at 6s. 8d. the ounce, and the said Henry 4 stone at 5s. the ounce, and order them to pay the price of the same to the Treasurer. They hold that James Butchert and William Lindsay by their absence stand confessed, and order each to pay over to the Treasurer the price of 10 stones at 16s. the ounce. Fol. 289, b. Fol. 290, a

John Hamilton, chamberlain of Arbroath, against the sons of Ruthven of Bandane and others for

Complaint by Johnne Hammiltoun, chamberlain of Abirbrothok, as follows:—On instant pursuer caused James Falconner, messenger, to poind some cattle on the lands of belonging to Ruthvene of Bandane. He and his apprisers were met by Frances, Johnne, Patrik, and James Ruthven, sons of the laird of Bandane, accompained by Wiliam Tailyeor in Courthill, James Fyff, younger there, Fol. 290, b.

Decreta Nov. 1617–Nov. 1618.

Robert Stewart there, James Gaw there, Johne Lawder there, Robert Taillour there, James Dinneis there, James Fyff, elder, there, George Stodman, there, Johnne Brand at the Mill of Lownane, Alexander Ferryair at the Kirktoun Mill, Williame Ruthven, apparent of Courthill, and others, all armed, and were cruelly assaulted. The said persons "reft the saidis bestiall and guidis af the said officeris hand, barbarouslie gorrit and slew sevin scheip, and drave the haill remanent of the samyn bestiall bak agane, and deforceit the said messinger."—Pursuer appearing personally, and the said Williame Rutheven, James Fyff, elder, James Fyff, younger, and James Dinneis appearing, and the other defenders not appearing, the Lords assoilzie defenders, because pursuer has failed to prove his case.

assault and deforcement of a messenger.

Fol. 291, a.

Complaint by Johne Slowman, merchant burgess of Edinburgh, as follows:—Gilbert Hunter in Leith "haveing acertane quantitie of tabaco to sell, quhilk he maid the said complenair to beleve he had bocht fra Capitane Murray, or at the least that he had aggreit with Capitane Murray for the libertie and previledge of the selling of the same, and that he had gevin a grite sowme of money to Capitane Murray for that caus, he delt and travellit with the said complenair that he wald buy some of the said tobaco fra him, and he promeist to be the said complenairis releif and warrand at the handis of the said Capitane Murray and all utheris whome it effeiris." Pursuer accordingly brought 5 lbs. and sold the same "in smalls." He has been summoned before the Lords of Council, and has been ordered to pay over the price of the same for behoof of the said Captain. The said Gilbert Hunter should be responsible to the said Captain for him, but he refuses.—Pursuer and defenders appearing personally, the Lords order the said Gilbert (*ante*, p. 390) to keep pursuer skaithless of all pain, trouble, &c., incurred by the purchase of the said tobacco, because he has admitted that he had made the foresaid promise to pursuer.

In favour of John Slowman, merchant burgess of Edinburgh, sued for illegal purchase of tobacco, he having purchased the tobacco from Gilbert Hunter on assurance from Hunter that he had Captain Murray's leave for the transaction.

Fol. 291, b

Fol. 292, a.

Complaint by Elspeth Douglas in Alloway at the Brig of Dune that Johnne Neill, her son-in-law, went by night to her barn, fiercely set upon her behind her back, and wounded her in sundry parts of her left side. She has been under the care of surgeons for a long time.—Parties appearing personally, the Lords assoilzie defender, because pursuer has failed to prove her case. They order defender to find caution in 200 merks for pursuer's indemnity before he leaves Edinburgh.

Elspeth Douglas in Alloway against John Neill, her son in-law, for assault.

Fol. 292, b.

Complaint by Williame Myretoun of Cambo, as follows:—On 24th July instant David Lundie of Newhall went up to George Clerk, pursuer's herd boy, when he was tending his master's cattle, "and, demanding of him quhose man he wes, he than tirved the boy, and with a sword-belt beltit and leischeit him to the effusioun of his blood in grite quantitie, bidding him come and tell the said complenair and to ask of him how he lyked of suche doingis." Defender thereafter sent Patrik Hereot, his servant, who, "without salutatioun or uther respect," told pursuer that his master had sent him "to schow him that he had beltit and leischeit his man." The said David and his said servant "walkit ane houre or

Mertoun of Cambo against David Lundie of Newhall and Patrick Heriot for assault on his herd-boy and other provocation.

tua upoun the bra foiranant his place and yairdis, making provocatioun unto the said complener to come furth."—Pursuer and defenders appearing personally, the Lords find the charges proven upon the confession of defenders, and order them to be committed to the Tolbooth of Edinburgh, therein to remain during their Lordships' pleasure. Decreta Nov. 1617–Nov. 1618.

Counter-statement by Lundie of Newhall.

Complaint by the foresaid Laird of Newhall, as follows:—On last the foresaid Williame Mertoun of Cambo went up to , servant and herd of pursuer, and of Alexander Gib, his tenant at Lethame, while he was tending his master's cattle, threw him down, pulled a tether from him, and therewith and with his feet and hands unmercifully struck him. The said Williame has divers times since avowed "to gif the boy twyse alsmekle, in caise ony complaint wer evir maid thairupoun."—Parties appearing, the Lords assoilzie defender, because he has denied the assault, though he admits that, "finding a boy in his fensit waird with a horsse, he gave him a chope with his gloves allanerly." Fol. 293, b.

Andrew Whyte, keeper of the Edinburgh Tolbooth, against William Gordon of Crauchlaw, for money due for the support of defender's son in the Tolbooth.

Complaint by Andro Quhyte, keeper of the Tolbooth of Edinburgh, as follows:—Johnne Gordoun, son and heir of William Gordoun of Crauchlaw, has been "honestlie intertenyit" by pursuer for two years in prison, at the request of the said William Gordoun. Pursuer has been paid on two occasions; but there is still the sum of 640 merks due. Pursuer's father is bound to pay the same by his said promise and by virtue of his son's contract of marriage, whereby he is to pay him 1000 merks yearly.—Pursuer and defender appearing, the Lords order the payment of the said sum, and of 13ß. 4d. per day hereafter, as long as the son remains in ward, the defender having confessed that he had made the promise to pursuer. Fol. 294, a.

Commission of Justiciary to the Earl of Mar within Braemar and other districts.

Commission under the Signet, signed by the Chancellor, Binning, and George Hay, is given to Johne, Earl of Mar, and his bailies within the bounds of Bramar, Stradie [Strathdee], Glengarne, and Crowmar, to apprehend and try all persons found guilty of murder, mutilation, theft, and reset, which crimes are now frequent in those districts. Commissions. Fol. 59, b.

Commission for the trial of William M'Kie.

Commission under the Signet, signed by the same and the Earl of Mar, is given to Sir Johne Hammyltoun of Letterik, sheriff depute of Lanerik, to try William M'Kie, vagabond, now in the tolbooth of Hammyltoun for the theft of seven oxen and on suspicion of other acts of theft.

Commission for the apprehension of Laurence and Alexander Bruce, Oliphant of Gask, and others, at the horn for the slaughter of David Toschoch of Monivaird.

Commission under the Signet, signed as in preceding entry, is given to all sheriffs, stewards, bailies, provosts and bailies of burghs, the Captain, Lieutenant, and Company of the Guard, Johnne, Earl of Montrois, , Earl of Menteith, Sir Duncane Campbell of Glenurquhy, Sir Archibald Sterling of Keir, Sir Lauchlane M'Intosche of Dunnachtane, and Rollok of Duncrub, to apprehend and present to justice Lawrence Bruce, apparent of Cultmalundeis, Alexander Bruce, his brother, William Oliphant of Gask, Lawrence Oliphant, his brother, Alexander Flemyng of Mones, William Douglas of Annatroche, Johne New, servitor to Lawrence, Lord Oliphant, Donald Patirsoun, servitor to , Master of Oliphant, Petir Blair, brother of Andro Blair of Gairdrum, and George Tyrie, messenger in Perth, who remain unrelaxed Fol. 60, b.

Commissions.¶ from hornings of 11th, 16th, and 18th instant, at the instance of Annas Grahame, Lady Monyvaird, as relict, Margaret and Elizabeth Toscheoche, as daughters, Edward Toscheoche of Monyvaird, elder, as father, and the other friends of the late David Toscheoche of Monyvaird, younger, with David Malloche,[1] formerly servant of deceased, Duncane Campbell, son of the late Campbell of Glenlyoun, and the Lord Advocate, for not having appeared on 29th instant to answer the charge of having slain the said David Toscheoche, dismembered David Malloche of his right hand, and wounded Duncane Campbell in eight places. The said Petir Blair was denounced rebel on 29th instant.

Licence to Sir Alexander Strachan to go abroad.

Licence under the Signet, signed as above, is given to Sir Alexander Strauchane of Thornetoun, knight, to go abroad for five years without skaith to his person or property, provided he behave as a dutiful subject.

Fol. 61, b.

Same to Haldane of Glenegies.

Same for five years to James Halden of Glennegeis.

Sederunts. Fol. 27, b.

Order to the Clerk of Register anent the Exchequer accounts of the late Mr. Robert Richardson.

"The Lordis ordanis the Clerk of Register to caus trye the bookis and rollis of the Exchekquer anent the superexpensis of umquhill Mr Robert Richardsoun, thesaurair, and quhat hes bene payit to him of the same superexpensis; and ordanis the Thesaurer-Depute, Clerk of Register, and Advocat to acquent the Kingis Majestie be thair letter quhat thay sall find in that mater."

Continuation of the day fixed for the appearance of the Lairds of the Clan Campbell.

"The Lordis continewis the compeirance of the baronis and gentlemen of the name of Campbell, who wer chargeit to haif compeirit befoir the Counsell upoun the 19 of August nixt [*ante*, p. 404], unto the first Counsaill day of October nixttocome, and ordanis thame to direct one of thame to attend and await upoun the Counsell the said nynetene day of August to excuse thair not compeirance, and that intimatioun may be maid to him in thair name of the said continewatioun."

Borders. Fol. 61, b.

Cranburne, 13th August 1618.[2] Royal letter

"Richt trustie and rycht weilbeloveit cousigne and counsellour and rycht trustie and weilbeloveit counselloris, we greitt yow weill.—Wheras it is requisit that all such ordouris and constitutionis as have bene or

[1] Supposed to have been an ancestor of David Malloch, *alias* Mallet, the poet. See Chambers's *Domestic Annals of Scotland*, i. 490.

[2] The following from Calderwood (vii. 302–3) is worth insertion at this point:—"Upon the last of Julie the Platt of the "Commissioners appointed by the last Par-"liament to modifie and augment ministers' "stipends [see *ante*, p. 265] was dis-"solved, the Commission granted by Par-"liament expyring. Neither the ministers "nor the noblemen and gentlemen which "had the tithes were well pleased. The pro-"vision made for ministers in manie places "was verie uncertane. All parties having "interest were not duelie callit. So it ap-"peared that for a long time the ministers "wold be putt to charges in pleading for "their stipends. They [the Commissioners] "united sometyms two, sometyms thrie, kirks "in one, to the number of two hundreth or "therby. The Bishops, to currie the favour "of noblemen and gentlemen, or for gaine, "consented to these unions."—Spotswood seems to have been as little satisfied with the work of the Commissioners as Calderwood. After noting that most of the summer of 1618 was spent in that work, he adds (p. 537) that the result was "greater detriment than benefit "to the Church; for, what augmentation "soever was granted, the same was recom-"pensed to the givers by prorogation of their "former leases for numbers of years, and "thereby the Church more damnified than "bettered."

ordering that all the new regulations as to the administration of the Middle Shires be printed, and so made accessible for the better information of all the Border lieges.

salbe concludeit and thocht necessarie to be establisched for setling of peace and acknawledgment of oure authoritie royall in the Middle Schyres, sometymes the Bordouris of that oure kingdome, sould come to the knowledge of all the inhabitantes in the said schyres and of everie ane of thame in particular; and becaus the commounes, onlie heiring the same once proclamed, can hardlie remember everie particular head and article thairof: we have thairfoir thocht guid by these presentes to will and requyre yow to cause extract the severall headis of all the said constitutionis, proclamatiounis, and ordouris, to cause imprint the same, and affix a copie thairof on the mercat croces of eache burgh towne in the saidis schyiris, and morover that ye injoyne everie gentilman and friehalder in the saidis schyres to have a copie of the saidis ordoures oppinlie affixed in his hous, to the intent that such as can reid may know them, and suche as can not may learne thame of otheris, so as heirefter none may pretend ignorance of any pairt thairof. Gevin at Cranburne, the 13th of August 1618." Borders. Fol. 62, a.

Halyruid-house, 19th August 1618.

Sederunt — Chancellor; Wyntoun; Sanquhair; Binning; Master of Elphinstoun; Treasurer-Depute; Justice Clerk; Advocate; Bruntiland; Medop; Ridhouse; Currihill; Sir George Erskin; Sir Andro Ker; Sir Robert Dennestoun; Sir Alexander Hay of Foistersait. Decreta Nov. 1617–Nov. 1618. Fol. 294, b.

Suspension of horning against William Robertson, skinner in Perth, and his sons.

Complaint by Williame Robertsoun, elder, skinner in Perth, and Robert and Williame Robertson, his sons, that they have been put to the horn wrongously, at the instance of Patrik Ros, messenger in Perth, and Helene Johnnstoun, his spouse, for not having appeared in answer to the charge of having assaulted them. Pursuers were not lawfully charged; but, for obedience, they had found caution in 300 merks each to appear this day, and to pay 20 merks each for their escheat.—Pursuers appearing personally, and defenders not appearing, the Lords suspend the said process. Fol. 295, a.

James Grant of Cluny against the Laird of Grant for detaining and sheltering pursuer's wife.

Complaint by James Grant of Clunie, as follows:—On 15th April last Annas Grant, his spouse, was put to the horn "for not adheiring to him as hir said husband, and for not keiping of company and societie with him." She has been excommunicated for the same reason. Nevertheless, she is reset and entertained by Johnne Grant of Freuchie in his house. The said Johnne should therefore be answerable for her, and should exhibit her before the Council.—Pursuer appearing by William Mortymer, and defender not appearing nor exhibiting the said rebel, the Lords order defender to be denounced rebel. Fol. 295, b.

Caption against Gordon of Avoch for debt to William M'Kean and John Gray.

Complaint by Williame M^cKeane and Johnne Gray, burgesses of Montrois, that Johne Gordoun, fiar of Avache, remains unrelaxed from a horning of 31st August 1616 for not paying 1000 merks of principal and 200 merks of expenses.—Pursuers appearing by David Ramsay, and defender not appearing, the Lords give order to the Captain of the Guard Fol. 296, a.

Decreta Nov. 1617-Nov. 1618. to apprehend defender, seize his houses, and inventory his goods for the King's use.

Fol. 296, a. Complaint by Johne Logye, one of the bailies of the Quenisferrie, and Thomas Thownis (*or* Townis), clerk there, as follows:—On 6th August instant, about 3 in the afternoon, the said Thomas was in his stable "dressing" his horse after his return from the burgh of Linlithqw, where he had attended the service of the Earl of Abercornis "brevis." Robert Hill, mariner in the Ferry, who was stirred up against pursuer without just cause, approached his house with "a long grite kent" in his hand, and, "finding his hall dure to be closed, and thinking that he had bene within, he strak at the dure a long tyme with the kent, of purpois to have brokin up the dure and to haif persewit him within his awne house. And he strak also a long tyme at the said Thomas writting chalmer dure." He then went to the stable, and, finding pursuer there, assaulted him, "and hurte and birsit him in divers pairtis, grippit him be the body, and wes resolvit in his beistlie raige to have slane the said Thomas." Pursuer's wife, who came to the rescue, was also struck and hurt by defender. Information was thereupon sent to Johnne Logye, bailie, who came and ordered Fol. 296, b. defender to enter himself in ward and find caution to keep the peace. Defender refused, and not only used disgraceful language, but struck him with his hands and feet, "tooke him be the baird and pullit a grite pairte thairof oute, threw a speit staulff out of Robert Logyis handis, quhairwith he thocht to haif struckin the baillie throw the body." Defender was ultimately lodged in the tolbooth by the assistance of a number "of the honnest nichtbouris of the toun."—Pursuers appearing personally, and David Wilsoun, bailie of the Quenisferrie, exhibiting defender, who confessed his offence, the Lords order defender to appear before the magistrates of the Quenisferrie at their next court day, viz., 22nd August instant, and Fol. 297, a. "thair to crave the said baillie and clerk forgiffines." He is also to find caution in 300 merks to keep the peace and to indemnify pursuers; and he is to remain in ward at the Quenisferrie till he find the same.

John Logie, one of the bailies of Queensferry, against Robert Hill, mariner, for unruly conduct and assault.

Complaint by Williame Thomesoun, flesher, burgess of Edinburgh, that James Twedy of Dreva, and Johnne Twedy, his eldest son, remain unrelaxed from a horning of 9th October 1616 for not paying 220 merks of principal and £40 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Caption against Tweedie of Dreva and his son for debt to William Thomson.

Fol. 297, b. Complaint by M^r^ JerhomeLindsay of Dynmuno (?) that Thomas Neisbitt, brother-german of Phillop Neisbitt of that Ilk, remains unrelaxed from a horning of 6th June last for not paying £100 of principal and £30 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard as above.

Caption against Thomas Nisbet for debt to Mr. Jerome Lindsay.

Complaint by Robert Achesoun, merchant burgess of Edinburgh, that Archibald Home, indweller in Ligertwood, and William Home, his eldest son, remain unrelaxed from a horning of 27th June last for not paying

Caption against Archibald Home and his

son for debt to Robert Achieson.

£1113 of principal and £200 of expenses.—Pursuer appearing by Johne Gillespie, messenger, and defenders not appearing, the Lords give order as above. Decreta Nov. 1617-Nov. 1618. Fol. 298, a.

Caption against John M'Craig and a number of others, at the instance of Edward Forrester, Commissary of Kirkcudbright, for not producing certain inventories and other documents.

Complaint by Edward Forrester, commissary of Kirkcudbricht, that Johnne M^{c}Craig and Johnne M^{c}Cornok in Carmonitie, Gilbert Greirsoun of Castelmadie, Alexander Gordoun in Quhitcorne, Robert Gordoun of Greive, Johnne M^{c}Adam in Bow, Roger Gordoun of Holme, Jonnett Cauldwell, James Wallace and Johnne Gordoun in Benbrek, Johne M^{c}Cornok in Maynis, James Chalmeris in Bog, Cuthbert, Johnne, and James Dangalson in Lachryme, Johnne Lennox, elder of Calie, Robert M^{c}Clellane of Nuntoun, Johnne M^{c}Clellane of Urchart, David Bell in Laggane, Nicolas Cuitler and Johnne Gordoun of Barglie, her spouse, Harbert M^{c}Clellane of Kill, James Bell in Tungland, James Haffie and Robert Levingstoun at Mylne Yle, Bessie Martene at the Mylne of Grannoche, Gilbert Greir in Culzeane, Jonet M^{c}Culloche in the Maynis of Cardmires, Johnne Bell in Drumrak, Margaret M^{c}Gowne in Stokertoun, Jonett Ewart and Harbert Bodden, now her spouse, Johnne Schinnane *alias* Wanderlait, Johnne Kirkpatrik of Dirsdow, Johnne M^{c}Fadyeane in Balmaghie, Johnne Gordoun of Slogarie, Robert M^{c}Clellane in Brokloche, Ewphane Sprott, Christeane M$_{c}$Nab in Sannick, James Pauling there, George Martene there, Margaret Bryce in Kirkcondeis, and Patrik M^{c}Tagart in remain unrelaxed from a horning of 28th April last for not producing certain testaments and inventories.—Pursuer appearing by Johnne Crawfurde of , and defenders not appearing, the Lords give order as above. Fol. 298, b.

William Barclay against Patrick Gray of Loure and others for assault.

Complaint by Williame Barclay, domestic servitor to Robert Carnegy of Dynnichine, as follows:—On 13th July last, being St. James's Fair, pursuer repaired to the market "on the Mure of Forfair." There he was met by Patrik Gray of Loure, who was accompanied by Williame Auchinleck, brother of the laird of Auchinleck, Alexander Aytoun of Newmure, Thomas Duncane in Woodend of Fanevin, Williame Peirsoun, skinner, burgess of Dundie, and others, all armed, and was hit over the face by the said Patrik with a rod or horse wand which he carried with him on horseback. Thereafter the said Patrik and the other defenders set upon him and maltreated him with "rungis, battonis, and guardis of swordis." They felled him to the ground "and left him for deid, quhairof he lay in swowne the space of ane houre; and his head by the saidis straikis is swowne verie grite." They took away pursuer's sword, dirk, and other weapons; and they still retain them.—Pursuer appearing personally, and defenders not appearing, the Lords, after hearing the depositions of witnesses, find the said Patrik Gray and Williame Auchinleck guilty, and order them to enter themselves within the Tolbooth of Edinburgh, to remain therein till further order be taken with them. Fol. 299, a. Fol. 299, b.

Agnes Kellie against Patrick Bryson for assault and violence.

Complaint by Agnes Kellie, relict of Alexander Neisbitt of Nuntoun Leyis, as follows:—On the 4th instant, while pursuer was in the mill called Guildis Mylne, grinding her corn, Patrik Brysoun in Brandismylne

Decreta Nov. 1617–Nov. 1618.

came to the place and entered with a great "kent" in one hand and a drawn dirk or knife in the other. He struck her with the "kent" and "kaist hir over the laidis of corne, halding both the kent and knyff abone hir head, and saying, "God gif he had a man to fecht with! and that he wes ane honnester man nor evir lay be hir syde." Again, on 15th instant, pursuer sent some loads of corn to be ground at Guild Mylne. The said

Fol. 300, a.

Patrik and armed companions assaulted the men carrying the same, threw the corn off the horses' backs, laid one of the loads on his own horse, and carried it off.—Pursuer appearing by Johnne Symontoun, and Thomas Tait and Henry Tait, servitors to the said Patrik, who were summoned as witnesses, not appearing, the Lords order the said Thomas and Henry to be denounced rebels.

Fol. 300, b.

Against Alexander Watson and others in Edinburgh for illegal import and sale of tobacco.

Complaint by the King's Advocate that Alexander Watsoun, George Scott, David and Andro Kinloche, Johnne Baillie, Robert Nicoll, Andro Allane, Williame Mure, and Johnne Thomas, all merchant burgesses of Edinburgh, have contravened the proclamation anent the import and sale of tobacco.—Pursuer and defenders appearing, the Lords find that the said George Scott has sold 1 stone weight at £4 the lb., the said Johnne Baillie 10 lbs. at £4 the lb., the said Robert Nicoll 2 lbs. at £5 the lb., the

Fol. 301, a.

said Andro Allane 2 lbs. at £4 the lb., the said Johnne Thomas 5 lbs. for 10 merks; and order them to pay over the price of the said quantities. The Lords assoilzie the said Alexander Watsoun, David and Andro Kinloche, and Williame Mure, because they have denied the charge on oath.

Isabel Hislop or Meik and her daughter against William Borthwick and others for assault and violence.

Complaint by Issobell Heislop, spouse of Thomas Meik in Scheillie, Jonet Meik, their daughter, and the said Thomas for his interest, as follows:—On the night of 13th July last William Borthuik in Walderstoun, Williame Hendirsoun there, Chairlis Cairnecors of Birksneip, James and George Cairnecors, his sons, Nicoll Cairnecors, his brother, and others, all armed, went by way of hamesuckin to pursuer's house at

Fol. 301, b.

Schellie, entered the same, and most cruelly assaulted both pursuer and her daughter, wounding them on the head, arms, and other parts.—Pursuer appearing personally, and defenders, except William Borthuik, appearing, the Lords assoilzie defenders, because they have denied the charge on oath. They order the said William Borthuik to be denounced

Fol. 302, a.

rebel for not appearing, and defenders to find caution in 1000 merks each to keep the peace.

Patrick Dunbar of Westertown against Dunbar of Westfield, Sheriff of Moray, and others, for continued persecution and molestation.

Complaint by the King's Advocate and Patrik Dumbar of Westertoun, as follows:—Johnne Dumbar of Westfeild, sheriff of Murray, has conceived a hatred against pursuer, and has laid "mony plottis and purpoisis" to take his life. Pursuer, having in vain used every effort to bring about a reconciliation, charged the said Johnne Dunbar on 25th May last to find lawsurety,—"at the useing of the quhilk chairge the said schireff wes forder enraigeit aganis the said Patrik nor ony tyme preceiding, disdaneing that the said Patrik or ony of his rank durst presoome to use ony kynd of chairge aganis him; and he protestit and avowit with horrible aitheis that for that onlie caus, altho he had no uther particulair

aganis him, that he sould haif his lyff the first tyme he saw him." Accordingly, next morning (26th May), defender went to the place of Darnoway, and "thair, in presence of James, Erll of Murray, and a nomber of gentilmen present for the tyme, he, and James Dumbar, his bruther, with mony horrible aith avowit presentlie to have had the said Patrikis lyff gif the Erll had not bene present, and upbraidit him with mony injurious and reprotchfull speitcheis, and had not faillit to haif tane his lyff, gif the Erll had not bene present and stayit him." On June last, the said Johnne and James Dumbar and the said Patrik Dumbar having by the mediation of friends met at a tryst upon the Water of Fynmonie above Grangehill, defenders "thair also agane with mony horrible aith, in presence of the freindis convenit for the tyme, avowit that thay sould haif his lyff, and proudlie said thay sould tak out his hairt at his braid syde and gif it to the doggis." On several days in the same month the said John and James Dumbar, with accomplices, all armed, and wearing pistoletts, watched for pursuer at the waterside of Findorne. Defenders for three years past, and especially in March, May, and June last, have carried hagbuts and pistollets.—Pursuers and defenders appearing personally, the Lords assoilzie defenders, because they have denied the charges on oath. The Lords order the said sheriff to find lawsurety in 3000 merks, James Dumbar, his brother, in £1000, and Patrik Dumbar in £500, and not to leave Edinburgh till they have found the same.

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Fol. 302, b

The *Minute Book of Processes* gives the following memoranda collectively for the month of August 1618.

Minute Book.

Rebellion: Johne Gray against Johnne Gordon.

Letteris: Grant of Cluny against Grant of Freuchie to exhibit Agnes Grant, resett be him after her excommunicatione.

Suspension: William Robertson against Patrik Rosse.

Letteris: Advocat against Law for not giving a true entry of his goodis in the custom house.

Ryott and oppositioun: Robert Small against Williame Dicksone.

Ryott: James Ronald against William Robertsone, *et e contra.*

Petition: William Veitch against William Russell, to be putt to liberty.

Letteris to ansuer upon rebellion: Thesaurair Deputt against Alexander Craufurd, &c.

Letteris: Advocatt against importeris and ventneris of tobacco.

Ryott: Dumbar against Gray.

Ryott and oppressioun: Agnes Kellie and Patrik Bryson.

Ryott: Issobell Heislop against William Borthwik.

Rebellion: Edward Forrester against Johnne Stewart, &c.

Rebellion: M^r^ Johnne Lindsey against Thomas Nisbitt.

Rebellion: Robert Acheson against Archibald Hoom.

Rebellion: William Thomson against James Twedy.

Ryott: Johnne Logie against Robert Hill.

Ryott: Dumbar of Westertoun against Dumbar of Westfeild.

Decreta Nov. 1617 Nov. 1618. Fol. 303, a.

Sederunt—Chancellor; Wyntoun; Lynlithqw; Bishop of Ros; Binning; Lord Flemyng; Master of Elphingstoun; Privy Seal; Treasurer-Depute; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop; Ridhouse; Marchinstoun; Foistersait; Conservator. Halyruidhouse, 9th September 1618.[1]

Complaint by the King's Advocate that the following persons have contravened the proclamation anent the import of foreign victual and the Prosecution of a number of persons for illegal export of grain.

[1] The last meeting of Council had been on the 19th of August (*ante*, p. 426), and there had been an interval of three weeks between that meeting and the present. In that interval there had happened one of the most important events in the history of Scotland,—viz. the holding of that General Assembly of Perth in which the King's persistent policy for the complete assimilation of the Church of Scotland to that of England was consummated by the passing at last of the famous "Five Articles." The following is a sketch, from Calderwood and Spotswood, of the proceedings of this Assembly:—It had met on the day appointed by the Proclamation (given *ante*, p. 419), to wit, on Tuesday, the 25th of August. Lord Binning, Lord Scone, and Lord Carnegie acted in it conjointly as his Majesty's High Commissioners, with Sir Gideon Murray, Sir Andrew Ker, Sir William Oliphant, and Sir William Livingston of Kilsyth for their assessors. As lay members of Assembly, accounted such by virtue of the King's missives summoning them, were the Earl of Lothian, Lord Ochiltree, Lord Sanquhar, and Lord Boyd, for the nobility, with fifteen Lairds from among the lesser barons, and ten burgesses, representing Edinburgh, Perth, Dundee, St. Andrews (two burgesses for each of these towns), Stirling, and Aberdeen (one burgess each). The clergy present included (1) all the Bishops, except those of Argyle and the Isles, who were incidentally absent, (2) Dr. Bruce, as representing the University of St. Andrews, (3) the pretty numerous body of individual doctors and other parish ministers who had been sent in as representatives of the different presbyteries. The selection of these last, according to Calderwood, had been carefully manipulated by the Bishops beforehand, so that they had made sure of a majority in favour of the King's propositions. Indeed, the pre-arrangements had been such that the Assembly was hardly an Assembly constituted, like previous General Assemblies, on the principle of election by the Kirk itself of its own authorised representatives, but answered rather to the more vague description of it given in the Royal Proclamation convoking it. "Ane Nationall Assembly" it had been there called; by which it seemed to be intimated that it was not necessarily to be composed according to strict precedent, but was to include as many nominees of the King as he chose, in the exercise of his ecclesiastical prerogative, to associate with the Bishops and the customary Commissioners from the rest of the Clergy.—The aspect of the Assembly when it met, and the conduct of the business in it throughout, Calderwood informs us, corresponded. The place chosen for the meeting was the Little Church of Perth, the accommodations of which were so scanty that all could not be seated. At a small cross-table at the head were chairs for the King's Commissioners and the Moderator; at the sides of a long table, which ran down the Church from this top one, were forms reserved for the noblemen, barons, burgesses, bishops, and doctors of divinity; and the rest of the ministers "were left to stand behind, as if their place and part had been onlie to behold." Moreover, as soon as all were gathered, Archbishop Spotswood seated himself in the Moderator's chair at the top-table, without waiting for the formality of election. Similarly, there being a vacancy in the office of Clerk to the Assembly by the resignation of Mr. Thomas Nicholson, that office was filled up by the appointment of Mr. James Nicolson on the mere nomination of Spotswood, and without vote. What chiefly declared the whole character and spirit of the Assembly, however, was a letter from his Majesty, which had been brought to Perth by the Scottish Dr. Young, Dean of Winchester, and which was read immediately after the opening prayer of the Moderator and other preliminaries. It was, indeed, read twice then, and subsequently in the course of the proceedings more than once again, as if to remind all present that his Majesty, though absent, was overlooking them, and expected them to do his will and nothing else. The letter, which is dated "at Theobalds, the 10th

export of coin: viz., Johnne M$_c$Cubine and James Inglis, burgesses of Edinburgh, and their partners, 100 lasts of rye; Patrik Papla, Thomas Watsoun, and their partners, 80 lasts of rye and peas; Alexander Menteith and Alexander Broun, burgesses of Edinburgh, and their partners, 80 lasts of rye; and James Murray and Alexander Broun, burgesses of Edinburgh, and their partners, 28 lasts of rye and peas. Their offence is the greater because of the abundance of "all soirtis" of victual "in the last yeiris crope."—Pursuer and defenders appearing, the Lords order defenders to pay custom of 5s. on every boll imported. Decreta Nov. 1617–Nov. 1618. Fol. 303, b. Fol. 304, a.

" of July 1618," is so important historically, and so characteristic, that, long though it is, it may be here quoted entire :—" JAMES REX. " —Right Reverend Fathers in God, Right " Trusty Cousins and Councillors, and others " our trusty and well-beloved subjects, we " greet you well.—We were once fully re- " solved never in our time to have called " any more Assemblies there for ordering " things concerning the policy of the Church, " by reason of the disgrace offered unto us on " that late meeting at St. Andrews [*ante*, pp. " 270, 280]; wherein our just and godly desires " were not only neglected, but some of the " Articles concluded in that scornful and " ridiculous form as we wish they had been " refused rather with the rest. Yet at this " time we have suffered ourselves to be en- " treated by you our Bishops for a new Con- " vocation, and have called you together who " are now convened, for the self same pur- " pose which then was urged; hoping as- " suredly that you will have some better " regard to our desires, and not permit the " unruly and ignorant multitude, after their " wonted custom, to oversway the better and " more judicious sort,—an evil which we " have gone about with much pains to have " had amended in these Assemblies, and for " which purpose, according to God's ordin- " ance and the constant practice of all well- " governed Churches, we have placed you " that are Bishops and Overseers of the rest " in the chiefest rooms. You plead much, " we perceive, to have things done by consent " of the ministers, and tell us often that what " concerneth the Church in general should be " concluded by the advice of the whole. " Neither do we altogether dislike your " opinion; for, the greater there is consent " among yourselves, the greater is our con- " tentment. But we will not have you think " that matters proponed by us of the nature " whereof these Articles are may not without " such a general consent be enjoined by our " authority. This were a miskenning of your " places, and withal a disclaiming of that " innate power which we have by our calling " from God; by the which we have place to " dispose of things external in the Church as " we shall think them to be convenient and " profitable for advancing true religion among " our subjects. Wherefore let it be your care, " by all manner of wise and discreet per- " swasions, to induce them to an obedient " yielding unto these things, as in duty both " to God and us they are bound. And do " not think that we will be satisfied with " excuses, or delays, or mitigations, and other " we know not what shifts have been pro- " poned; for we will content ourselves with " nothing but a simple and direct acceptation " of these Articles in the form by us sent unto " you now a long time past,—considering " both the lawfulness and undeniable con- " veniency of them for the better furthering " of piety and religion amongst you; the " establishing whereof it had rather have be- " comed you to beg of us then that we should " have needed thus to urge the practice of " them upon you. These matters, indeed, " concern you of the ecclesiastical charge " chiefly; neither would we have called " noblemen, barons, and others of our good " subjects to the determining of them, but " that we understand the offence of our people " hath been so much objected: wherein you " must bear with us to say that no kingdom " doth breed, or hath at this time, more lov- " ing, dutiful, and obedient subjects than we " have in that our native kingdom of Scot- " land; and so, if any disposition hath ap- " peared to the contrary in any of them, the " same we hold to have proceeded from " amongst *you*, albeit of all sorts of men *ye* " are they that both of duty were bound, and " by particular benefits were obliged, to have " continued yourselves, and by your sound " doctrine and exemplary life have kept " others, in a reverent obedience to our " commandments. What and how many " abuses were offered to us by many of the " ministry there before our happy coming to " the Crown of England we can hardly quite for-

Decreta Nov. 1617-Nov. 1618.

Fol. 304, b.

John Lindsay of Drem against James Ainslie, bailie of Edinburgh, for having illegally liberated an imprisoned debtor.

Complaint by Johnne Lindsay of Drem, as follows:—Hew Broun, merchant burgess of Edinburgh, was put to the horn at pursuer's instance for not fulfilling an obligation dated 25th April 1606, and for not paying £50 of expenses. In due course pursuer raised letters against him and obtained order from the Council for his arrest. James Dalzell, one of the bailies of Edinburgh, gave order to Thomas Quhyte, town officer, to apprehend the said Hew. Which being done, he was delivered to James Ainslie, bailie of Edinburgh; who, instead of committing him to the

" get, yet like not much to remember; neither " think we that any Prince living could have " kept himself from falling in utter dislike " with the profession itself, considering the " many provocations that were given to us. " But the love of God and His truth shall up- " hold us, and will by His grace so do unto " the end of our life. Our patience always " in forgetting and forgiving many faults of " that sort, and constant maintaining of true " religion against the adversaries (by whose " hateful practices we live in greater peril " than you or any one of you), should have " produced better effects amongst you than " continual resistance to our best purposes. " We wish we be not further provoked, and " God's truth which you profess of obedience " to principalities and powers be not longer " neglected and slandered, by such as, under " the cloak of seeming holiness, walk un- " ruly amongst you, shaking hands as it were " and joining, in their disobedience unto " magistracy, with the upholders of Popery. " In sum, our hearty desire is that at this " time you make the world see by your pro- " ceedings what a dutiful respect and obedi- " ence you owe to us your sovereign Prince " and natural King and Lord,—that, as we in " love and care are never wanting unto you, " so you in a humble submission unto our " so just demands be not found inferior to " others our subjects in any of our kingdoms. " And that the care and zeal of the good of " God's Church, and of the advancing of piety " and truth, doth chiefly incite us to the fol- " lowing of these matters, God is our witness; " the which that it may be before your eyes, " and that, according to your callings, ye " may strive in your particular places and in " this General Meeting to do these things " which may best serve to the promoving of " the Gospel of Christ, even our prayers are " earnest unto God for you: requiring you in " this and other things to credit the bearer " hereof, our trusty servant and chaplain the " Dean of Winchester, whom we have ex- " pressly sent thither that he may bring unto " us a true relation of the particular carriages " of all matters, and of the happy event of " your meeting; which, by God's blessing " (who is the God of order, peace, and truth), " we do certainly expect,—unto whose gra- " cious direction we commend you now and for " ever."—The "Articles" mentioned so emphatically in this letter of the King were, of course, those "Five Articles" innovating on the forms and ceremonies of the Scottish Kirk, as they had been hitherto maintained even under its Episcopal constitution, on which the King had set his heart, and which he had been pressing again and again for some time past, and even imposing, so far as possible, by his own authority (*ante*, p. 271, *n.*, p. 281, *n.*, and p. 297, *n.*). They were—(1) Kneeling at the Communion, (2) Liberty of Private Communion on due occasion, (3) Similar Liberty of Private Baptism, (4) Confirmation of Children at due age by the Bishop of the Diocese, (5) Observation of the five annual Holy Days of Christmas, Easter, Resurrection Day, Ascension Day, and Pentecost. It was to pass these Articles that the Assembly had been called; and the passing of them was to be the sole, or all but the sole, business of the Assembly.—By the management of Spotswood, aided by the other Bishops, and by the Royal Commissioners, especially Binning, the feat was accomplished. There were discourses by Spotswood himself and by others of the Bishops, mainly to the effect that, though the proposal of the Five Articles had not originated with *them*, and they would have even been glad if his Majesty had seen fit not to press them, yet the Articles themselves were innocent and proper, and his Majesty's wish to see them passed must be respected, inasmuch as otherwise there would be no peace in the Church. There was a speech by the Dean of Winchester, explaining his Majesty's views. It was arranged that the discussion should be first in a private Conference or large Committee of some sixty or seventy of the members of the Assembly, and that the report of this Committee should then be submitted to the full house. Threats and intimidation, according to Calderwood, were

Tolbooth, put him to liberty.—Pursuer and the said James Ainslie appearing, and the said Hew being exhibited, defender stated that the said Hew had purchased a suspension of the letters. Pursuer answered that, though suspension had been granted upon consignation of the sum in question and upon caution to observe the conditions of the foresaid obligation, yet the said Hew had not found the necessary caution; and in default thereof the suspension was lying in the hands of M^r^ Johnne Skene, clerk of the Bills. The said clerk, who appeared, declared this to be true. The Lords, therefore, order defender to commit the said Hew to the Tolbooth, and to detain him there at his own expense till he fulfil the foresaid conditions. Decreta Nov. 1617–Nov. 1618. Fol. 305, a.

Mr. Robert Alexander against Mark Abercromby and others for assault.

Complaint by M^r^ Robert Alexander, son of the late David Alexander, merchant burgess of Edinburgh, as follows:—On 1st September instant, pursuer, while going down the Cowgait of Edinburgh to his house, was accosted by Mark Abircromby, brother of the late Abircromby of Poltoun, accompanied by Johnne Foister, brother of the laird of Corstorphin, and Nicoll Ramsay, servitor to Johnne Balfoure, writer to the signet, all armed with swords, whinyers, &c. The said Mark "unhonnestlie strak the said complenair with his fute," pulled out his whinyer, and wounded him on the head. He and his accomplices then assaulted pursuer with their hands and feet, and gave him many blows on divers parts of his body.—Pursuer appearing, and defenders not appearing, the Lords order them to be denounced rebels. Fol. 305, b.

Caption against John

Complaint by Issobell Gaw, daughter of the late Thomas Gaw, burgess

freely used to overcome opposition. Three days sufficed for the whole business; and on the afternoon of Thursday the 27th of August the final vote was taken. The question was then put to all the members individually in this form:—"Will ye accept or refuse the Five Articles?"; the answer to which question might be *Agree*, *Disagree*, or *Non Liquet* (i.e., *Dubious* or *No Vote*). The King's Commissioners and their Assessors, all the noblemen except Lord Ochiltree, all the lairds (except one who had gone away), all the burgesses, all the bishops, and all the doctors except one, with a majority of the other clergymen, voted *Agree*, leaving a minority of one nobleman, one doctor, and 45 ministers who voted a direct negative, and three or four who voted *Non Liquet*. The chief opponents of the Articles, whether in Conference or in open Assembly, were Mr. William Scott, minister of Cupar, Mr. John Carmichael, minister of Kilconquhar, Mr. John Wemyss, minister of Duns, and Mr. Alexander Henderson, minister of Leuchars, then about thirty-five years of age, and not much known, but to be a greatly more conspicuous man in Scotland and throughout Britain in years that were to come.—The "Five Articles of Perth," as they were to be called in consequence of their having been sanctioned by this General Assembly at Perth, were to be a subject of contention thenceforth in all parts of Scotland, and especially in the Scottish towns. Meanwhile the order was they should be intimated in all the congregations and parish churches, and that the clergy everywhere should explain their lawfulness to the people, and put them in practice.—It ought to be mentioned that, in addition to the "Five Articles," the Perth Assembly passed several Acts of ecclesiastical interest, including (1) an Act requiring every minister appointed to a living to take an oath that he had not obtained the living by any simoniacal compact with the patron for the surrender of a portion of the stipend as it had been settled by the recent Commission for the Plantation of Kirks, (2) an Act appointing a Commission for perfection of what had been done by a Commission of the Aberdeen General Assembly of August 1616 towards the preparation of a revised Liturgy or Book of Common Prayer and the collection of the Canons of the Church (see *ante*, Vol. X. pp. 598–601, n). These two Acts were to be recollected in conjunction with the Five Articles.

Decreta Nov. 1617-Nov. 1618.

of Perth, that Williame, Earl of Tullibardin, as principal, and Johnne Murray of Tibbermure and Alexander Murray of Wodend, as cautioners, remain unrelaxed from a horning of 18th July last for not paying 1400 merks of principal and 140 merks of annualrent for all years due, together with £50 of expenses; also that the said Alexander Murray of Woodend and David Murray of Kinkell remain unrelaxed from a horning of same date for not paying 700 merks of principal, 70 merks of annualrent for all years due, £30 of expenses, and £10 for each charge given to them for payment.—Pursuer appearing by Alexander Douglas, macer, and the said Johnne Murray of Tibbermure, Alexander Murray of Wodend, and David Murray in Kinkell not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Murray of Tibbermure and others for debt to Isobel Gaw.

Fol. 306, a.

Complaint by Andro Hay, writer to the signet, that Mr Robert Home of Carrelsyde, Mr Johnne Home of Swanscheill, Robert Cairncors, and James Pringle, merchant burgesses of Edinburgh, remain unrelaxed from hornings of 26th August last and 3rd September instant, at the instance of James Halden, burgess of the Cannogait, for not paying £1000 of principal and £100 of expenses. Pursuer was appointed assignee by letter dated 17th July 1617.—Pursuer appearing by Alexander Douglas, macer, and defenders not appearing, the Lords give order as above.

Caption against Mr. Robert Horne and others for debt to Andrew Hay.

Fol. 306, b.

Complaint by Johnne Murray in Keir, as follows:—On the night of July last Williame M'Ilroy at the Park of Keir went by way of hame-suckin to pursuer's house in Keir, broke open the door, and, entering with a long dirk in hand, committed a fierce assault upon pursuer. After wounding him on the head, he felled him to the ground with "a grite battoun."—Both parties appearing, the Lords find the charge proven, and order defender to be committed to the Tolbooth of Edinburgh, therein to remain at his own expense during their pleasure.

John Murray in Keir against William M'Ilroy for assault.

Fol. 307, a.

Complaint by Andro Barclay in the Stane of Benholme, chamberlain to George, Earl of Marschell, and by James Andro and Johnne Jollie, servants of the said Andro, as follows:—Sir Alexander Falconner of Halkertoun has conceived a hatred against pursuer. On August 1616 the said James Andro went by his master's command to defender to ask the maills of certain lands then possessed by the said laird of Halkertoun. Defender first within his own house menaced the said James Andro, and thereafter, "trayning him furth to the bak of his awne yaird," assaulted him and wounded him severely, saying "Tak yow that for your maisteris saik."—Pursuers and defender appearing, the Lords assoilzie defender, because he has denied the charge on oath.

Andrew Barclay and others against Sir Alexander Falconer of Halkerstoun for assault.

Fol. 307, b.

Complaint by the foresaid Andro Barclay, James Chope in Mylnedeall of Bervie, and Alexander Conlie, quarrier, tenants of George, Earl of Marschell, and the said Earl for his interest, as follows:—On the night of 7th July last, Andro Gellie at the Mill of Halkertoun, Williame Jack there, Johnne Slawerit (or Slawert) in Drumforber, Johnne Strattoun there, Abrahame Quhytlaw in the Mains of Kilhill, Waltir Greig in Lache, Thomas

Earl Marischal and some tenants of his against the said Laird of Halkerstoun and a number of his tenants and servants

for violence and assault.

McCondoquhy *alias* Falconner at the Mill of Halkertoun, Thomas Fettons in Bent, Alexander Cowie there, Alexander Crystie in Stanrihalch Alexander Dickye in Kilhill, Alexander Symmer there, Alexander Beatie in Quhytschawch, Johnne Andirsoun, elder in Midletoun, Johnne Andirsoun, younger there, Johnne Strauchin in Bonytoun, Johnne Collie in the Hill of Halkertoun, Andro Greig in Midletoun, George Wylie there, Robert Falconner, domestic servitor to the Laird of Halkertoun, Johnne Hutoun in Helis, Alexander Dickie in Drumforber, Harie Eatin there, Johnne Reid there, Gilbert Aurchartoun there, Robert Murriesoun there, George Anerdaill there, Andro Cowie there, Archibald Kar there, Patrik Leith there, George Gellie in Spuikismure, Harie Fettons at the Mill of Halkertoun, Alexander Fettons in Bent, David Wat there, George Symmer there, Alexander Oustiane in the Hill of Halkertoun, Archibald Walker there, Paull Reid in Kilhill, and others, to the number of threescore, all armed, went by command of the foresaid laird of Halkertoun, to the Earl of Marschell's "quarrell of the Knox of Benholme," where there was "ane mylne stone standing woone and dressit for the propper use of ane of the said Erllis awne mylnes," and endeavoured to take it away. Pursuers, "being adverteist of the saidis personis being in the said quarrell, and admireing quhat thay could haif to do thairintill at that tyme of the nicht," went to the place. When they endeavoured to prevent their design, they were attacked by defenders with long staves, halberts, and drawn swords, and severely wounded. Defenders broke the said Alexander Coullie's arm and "correll bone," and have made him unable to work.—Pursuers appearing personally, and the said Andro Gellie, Williame Jack, Johnne Slawerit, Thomas Fettons, Alexander Cowie, Alexander Dickie, Alexander Beatie, Johnne Andirsoun, elder, Johnne Andirsoun, younger, Johne Strauchin, Robert Falconner, Johnne Huttoun, Alexander Dickie in Drumforber, Harie Aitin, Johnne Reid, Robert Murriesoun, George Andirdaill, Andro Cowie, Archibald Ker, Patrik Leith, George Gellie, Alexander Fettons, David Watt, George Symmer, Alexander Oustiane, Archibald Walker, and Paull Reid also appearing, and the remaining defenders not being present, the Lords assoilzie all the defenders, because pursuers have failed to prove their case.

Decreta Nov. 1617–Nov. 1618.

Fol. 308, a.

Fol. 308, b.

Thomas M'Clelland, factor to the Bishop of Galloway, against Andrew Arnot of Barcaple for assaulting and threatening him when he was collecting the Bishop's dues.

Complaint by Thomas McClellane, messenger, notary and burgess of Kirkcudbricht, and factor to William, Bishop of Galloway, and the said Bishop as his master, as follows:—On 7th August last pursuer went about the parish of Tungland collecting the Bishop's duties, and afterwards went with the minister of the same to the dwelling house of Elspett Corsanes in Rauchane of Tungland for rest and refreshment. While they were there, Andro Arnote of Barcaple entered. Pursuer having in a modest manner asked him to pay the maills owing to the Bishop, he replied "the devill a penny he wes auchtand ather to the bischoip or his said factour," and upbraided pursuer, who bore with him at that time. Pursuer afterwards "formit and maid ane copie of ane chairge, conforme to the letteris of horning quhilk he then had in his

Fol. 309, a.

Decreta Nov. 1617–Nov. 1618.

company, aganis the said Andro Arnot for chairgeing him to mak payment of his saidis maillis, and come to the said Andro at the kirk style of Tungland, and verie reverentlie, with his hat in his hand, execute the said chairge aganis the said Andro, and delyverit to him the copie foirsaid contening the sowme of ane hundreth and sex pundis." The said Andro, "without respect had be him to that modest behaviour quhilk he aucht to have careyed to the chairge foirsaid," received the same in one hand, and with the other, "haveing ane grite rod or wand thairintill," struck him several blows "about the luggis and upoun the bair head." Defender then said "Tell youre maister, lowsie beggair, theiff lowne, that is the payment that I sould gif the"; and avowed "that he wes ane hounester man nor ony bischop in Scotland." He further said "Thomas, gif thow pack not thy selff haistelie away, I sall cutt ane luge oute of thy head, and, gif evir I find that thow gif me or ony uther in chairg heirefter, I sall cutt thy hocheis," and also avowed with a horrible oath that, "how soone he sould forgadder with him, he sould cutt ane leg or ane airme frome him."—Pursuer appearing personally, and defender not appearing, the Lords, after hearing the depositions of witnesses, find defender guilty, and order him to enter himself within the Tolbooth.

Fol. 309, b.

Lord Scott of Buccleuch against a number of persons for cutting down trees in his wood of Gorrumberrie.

Complaint by Waltir, Lord Scot of Bugcleuch, proprietor of the lands and lordship of Liddisdaill and wood and forest thereof called Gorrumberrie, as follows:—On certain days in May, June, and July, when pursuer was at Court in England, the following persons went to the said wood and cut down a number of trees: viz., James Nicoll in Heislop, 40 alder trees; Patrik Nicoll in Lairhoip, 2 "grite geist treis"; Gilbert Ellot in Fallinasche Mill, 60 alders; William Ellote, called "of Fallinasche in Braidlie," 60 alders; Robert Greive in Lymmercleugh, 16 alders; Archibald Greiff in Carlanrikrig, 60 alders; Williame Davidsoun there, 60 alders; Andro Heislop in Beukis, 120 alders; and Robert Hendirsoun in Pentryse, 24 alders. They have made "suche a spoyle of the said Lord Bugcleucheis said wood and forest as thay haif left few or no growand treis at all thairintill, the same being formarlie replenneist with grite stoir of all kyndis of growand treis."—Pursuer appearing by Laurence Scot, advocate, and defenders, except Andro Heislope, Williame and Gilbert Ellot, and Robert Greif, being present, the Lords find Patrik Nicoll, William Davidsoun, and Archibald Greif guilty, and order them to pay to Lord Bugleugh £10, £40, and £40 respectively. The said Patrik admitted that he had cut one tree, and taken a piece of wood which he found lying on the ground; and William Davidsoun and Archibald Greif granted that they had cut some trees, "not condiscending upoun the particulair nomber." The Lords assoilzie James Nicoll and Robert Hendirsoun, because they have denied the charge on oath, and order the absentee defenders to be denounced rebels.

Fol. 310, a.

Andrew Gelly, miller at Halkerstoun Mill, and

Fines. Fol. 49, a.

Complaint by Andro Gelly, miller at Halkertoun Mill, William Jak there, Johnne Kirk in Sporrehillok, Robert Falconer, servitor to Sir Alexander Falconer of Halkertoun (*ante*, p. 435), as follows:—On

others, against Andrew Barclay and others for assault.

last, Andro Barclay in Ransche, Johnne Barclay, his son, Arthour Stratoun Fines.
in Benholme, James Finlasoun there, James Chepe there, Johne Syme in Willeis Greyne, Johne Hamptoun there, Andro Craig in Knokis, Andro Bard there, all armed with swords, long staves, forks, &c., met the said Andro, Williame, and Johne on the highway, "airlie in the morneing at the dawing of the day," as they were bringing home a mill stone to the mill of Halkertoun, and committed a fierce assault upon them. They carried off the said Andro to the place of Benholme, and kept him there for some time. Again, on , the said Andro Barclay, Arthour Stratoun, James Finlasone, and James Chope went by order of George, Earl of Merschell, and James Keith of Benholme, his son, to the said Robert Falconner, assaulted him, and thereafter carried him to Fol. 49, b.
the said place and detained him there for some time.—Pursuers appearing personally, and the said Andro Barclay, Johne Barclay, James Chaip, Johne Syme, and Andro Baird appearing, the Lords find the charge proven against the said Andro Barclay, and order him to pay a fine of £20 and to remain in ward in Edinburgh till he pay the same. They also order Sir Alexander Falkoner of Halkertoun, and Falkoner, his brother, on the one part, and James Keath of Benholme and Andro and Johne Barclay, on the other, to find lawsurety, and not to leave the burgh till they have done so,—the lairds of Halkertoun and Benholme in 3000 merks each, the said Falconer and Andro Barclay in 1000 merks Fol. 50, a.
each, and the said Johne Barklay in 500 merks.

Commission for trial of poachers in Mamlorne Forest.

Commission under the Signet, signed by the Chancellor, Wyntoun, Commissions Fol. 61, b.
Lynlithqw, and Patrik, Bishop of Abirdene, is given to Sir Duncane Campbell of Glenurquhy, knight, keeper of the Forest of Mamlorne, to apprehend and try all persons suspected of destroying deer in the Forest and on his own lands.

Licence to Mr. George Gordon to go abroad.

Licence under the Signet, signed by the same, is given to Mr George Gordoun, brother of Sir Alexander Gordoun of Cluny, to go abroad and to remain there for three years without skaith to his person or property, provided he behave as a dutiful subject.

Order for appearance of certain persons.

Order to certain persons to appear before the Lords on a certain day in Acta Sept. 1617–July 1620.
the matter of some quarrel between them, and, in the meantime, to keep Fol. 150, a.
the peace, under the pain of three thousand merks.[1]

The Bishop of Aberdeen admitted of the Council.

This day the Bishop of Abirdene was admitted of the Council with the usual ceremonies, in accordance with a royal letter, couched in the customary terms, dated at Totenham, 27th July 1618.

Charge to Macduff of Fandowie, Toshach of Pittenyie, and others, on the

"Forsamekle as, upoun occasioun of that unhappie . . . . Fol. 150, b.
Toscheauch of Monyvaird, committit laitlie within . . . be
Bruce, appeirand of Cultmalundy, and his compliceis [*ante*, p. 424], thair
is ane grudge, haitrent, and inimitie rissen betuix the speciall kynnismen

[1] Only the conclusion of this entry has been preserved. It contains no names of persons or places which might lead to the identification of the feud. It appears to be of the same date as the following entry referring to the Bishop of Aberdeen; which is of 9th September, according to the *Book of Sederunts*.

Acta Sept. 1617–July 1620.

and freindis of the saidis pairteis, who doeth ly at awaite to tak advantageis the one of the other, quhairupoun grite inconvenientis are lyke to fall oute, to the brek of his Majesteis peace and forder disturbance of the peace of the cuntrey, without remeid be providit: Thairfore the Lordis of Secrite Counsaill ordanis letteris to be direct chairgeing David McDuff of Fandowye, McDuff, his eldest sone and appeirand air, Toscheauche of Pittenyie, Fergusoun of Mulyne, Toscheauche, eldair of Monyvaird, Johnne Campbell, bruther to the Laird of Laweris, Cairny of Tulchene, Campbell of Glenlyoun, Campbell, his eldest sone, Duncane Campbell, his bruther sone, Mr Johnne Malloche of Cairnyis, David, Andro, James, Thomas, Donald, Mungo, and Patrik Mallocheis, his brether, on the ane pairt, and Bruce, eldair of Cultmalundy, Patrik, maister of Oliphant, and William Oliphant of Gask, on the uther pairt, to find sufficient and responsall cautionaris and souirteis actit in the buikis of Secrite Counsaill that thay, for thame selffis and takand the burding on thame for all whome thay may stop or lat, sall observe oure Soverane Lordis peace, keip guid reule and quietnes in the cuntrey, and that thay nor nane of thame, nor nane of thair causing, sending, hounding out, command, ressett, assistance, and ratihabitioun whome thay may stop or latt, onnawyse invaid or persew ane another, thair men, tennentis nor servandis, for quhatsumevir deid, caus, or occasioun, utherwyse nor be ordoure of law and justice, undir the panes following,—that is to say, the saidis David McDuff of Fandowy, McDuff, his eldest sone, Toscheoche of Pittenyie, Toscheauch of Monyvaird, Campbell of Glenlyoun, Campbell, his eldest sone, Bruce, eldair of Cultmalundy, Patrik, [Maister] of Oliphant, and William Oliphant of Gask, ilkane of thame [under the] pane of twa thowsand merkis, and ilkane of the remanent personis underwrittin undir the pane of ane thowsand merkis; and that thay find the said cautioun in maner foirsaid within sex dayis nix[efter] the chairge, undir the pane of rebellioun, &c."

one part, and to Bruce of Cultmalundy, the Master of Oliphant, and Oliphant of Gask, on the other part, at feud on account of the recent slaughter of Toshach of Monivaird by the younger Bruce of Cultmalundy, to find caution for keeping the peace.

"Forsamekle as, the Kingis Majestie, for keiping of poss[essioun of] his fischeing in his Majesteis coastis of Orknay, finding it necessar and expedient that requisitioun s[ould be maid] of his Majesteis dewteis frome suche Hollendairis as fi[scheis thair], to the effect that the Estaitis of the United Provinceis and [utheris] cuntreyis pretend not ane excuse that no suche dewteis [hes bene] demandit of thame, his Majestie for this purpose hes commandit . . . . .

Fol. 151, a.

. . . . . furnist and send oute to our saidis coastis with suche a fitte persoun [as the] deputeis of the Duke of Lennox sall mak choise of to crave his Majesteis dewteis in fair tearmes and in calme and peciable maner, and to accept of suche ansuer as thay sall gif him without making of ony forder questioun or dispute in the mater: Quhairupoun the saidis Lordis haveing conferrit at lenth with Sir Alexander Drummond of Medop, depute to the said Duke of Lennox in the office of the Admiralitie, the said Sir Alexander proponnit and

Warrant for the payment to David Gairden, skipper in Leith, of the sum agreed upon for his taking the ship *Restore* to the Orkneys, and also for the payment of 100 merks each to Patrick Bruce of Woodside, and Walter Ritchie, notary, who have been appointed to go in the said ship to demand his Majesty's

dues from the Hollanders fishing in the Orkney and Shetland seas.

nominat unto thame Patrik Bruce of Wodsyde, as a persone maist fitt to be imployit in this busynes, to mak the said requisitioun, and Waltir Ritchie, notair, to gif instrumentis thairupoun. And, the saidis Lordis being cairfull to gif unto his Majestie contentment and satisfactioun in this mater, thay maid choise of the schip callit *The Restore*, quhairof David Gairdin in Leith is maister, to be send oute for this eirand; and thay aggreit with the said David for the soume of for the fraucht, victualling, and outred of the said schip for this service. Lyke as thay aggreit with the said Patrik Bruce for the sowme of ane hundreth merkis, and with the said Waltir Ritchie for the sowme of ane uther hundreth merkis, for thair chairgeis and expensis in going to mak the said requisitioun and to gif instrumentis thairupoun. And thairfore the saidis Lordis ordanis and commandis his Majesteis Thesaurair, Deputie Thesaurair, and Ressaveairis of his Majesteis Rentis to mak payment to the said David Gairdin of the sowme of , and to the saidis Patrik Bruce and Waltir Ritchie and to ather of thame the sowme of ane hundreth merkis, for thair chairgeis and expensis in this earand. Anent the payment of the quhilkis sowmes the extract of this act, with the acquittances of the saidis personis, salbe unto the said Thesaurair, Deputie Thesaurair, and Ressaveairis a sufficient warrand.—The Kingis Majesteis missive letter for warrand of the act abonewrittin.—Right trustie and richt weilbeloved cosenis and counsallouris, richt trustie and richt weilbeloved counsallouris, and trustie and weilbeloved counsallouris, we grite yow weele. Whereas, for keiping possessioun of oure fischeing on our coastis of Orknay and Zetland, it is requisite to mak requisitioun of oure dewteis frome suche Hollanderis as fische thair, and, to the intent that the Estaitis may not alledge that no suche dewteis had bene demandit, we wer resolved for that effect to have sent oute [ane] of oure awne schippis frome hence, bot so many of thame as wer reddie prepaired for service being necessarlie employed elsewhere, and the tyme of the returne of the Hollendairis frome thence drawing so neare as hardlie can any schip be rigged, furnished, and sent from hence in dew tyme, we have thocht guid by these presentis to will yow with all expeditioun to caus furnische eyther oure awne pinnace or ony uther schip which may moist convenientlie be had thair to be sent to our saidis coastis with some suche fitt persone as the deputes of the Duke of Lennox sall choose, whome before his depairture ye sall sufficientlie instruct in fair tearmes and calme and peciable maner to crave oure said dewteis and accept of any suche answer as thay sall gif him without making any furder questioun or dispute in the mater. So, the sending of the said schip requireing exceiding grite haist, we earnistlie commend it to your spedie expeditioun, and yow to Godis keiping. At Tichburne, the 29th of August 1618."

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Fol. 151, b.

Recapitulation of former enactments for the establishment of good order in the

"Forsamekle as, sen the happie unioun of the tua ancient and famous kingdomes of Scotland and England in subjectioun and alledgeance under one imperiall crowne in his Majesteis sacred persone, quhairby these schyres quhilkis formarlie wer the Bordouris of the saidis kingdomes ar

Borders.
Fol. 62, a.

Borders.

now become the Middle Schyres of this united kingdome of Greit Britaine, his Majestie hes evir haid a speciall cair to suppres the disordoures, insolenceis, and enormeteis quhilkis of lait yeiris wer so frequent and commoun within the saidis boundis and to reduce the same to the obedience of law and justice; in the quhilk poynt all his Majesteis princelie cair and prudent directiounes fra tyme to tyme hes by the blissing of Almichtie God hade a guid and happie success, to the great confort of all his Majesteis gude subjectis, who in formar tymes wer hevielie distrest be the disordorit and brokin limmaris dwelland in the saidis lait Bordoures; yit his Majestie is informeit that some few of thir limmaris, quho wer accustomat to live by thift, reiff, and oppressioun, without fear of God or reverence of the law, cannot be fullie reformeit nor reclamed thairfra, bot yit contenewis thairin, heichlie to his Majesteis offence and misregaird of his Majesteis auctoritie; and thairfoir his Majestie, resolveing to have the said Middle Schyres reduceit to perfyt obedience, slauchteris, spoyllis, thiftis, reiffis, and otheris outrageis committit within the same represt be seveir and condigne punischment to be inflictit upoun the committaris of the saidis crymes, hes with the advyse of the Lordis of his Previe Counsell sett doun certaine articles heirin digested quhilkis his Majestie commandis to be observed and dewlie executed in all tyme cuming under the pane of most seveir punischment to be inflictit upoun everie suche persone or persones as salbe fundin to be wilfullie negligent, contemptuous, or dissobedient [*cf. ante*, pp. 288 &c., 313 &c.]:—

Middle Shires, and of his Majesty's recent proceedings for the same purpose, with order for the proclamation of the same, and of further special regulations.

Fol. 62, b.

First, quhairas in his Majesteis ellevint Parliament haldin at Edinburgh in the moneth of Julij 1587, and in his Majesteis xiiij Parliament haldin at Edinburgh in the moneth of Julij 1594, it wes statute and ordaneit that all landislordis and bailyeis of the landis on the Borderis salbe haldin to mak thair men, tennentis, and servandis ansuerabill and obedient to law and justice and to redres pairteis skaithit, and quhairas alsua thair is ane Generall Band maid to his Majestie be the landislordis and bailyeis of the landis on the Bordouris by the quhilk they ar bund to mak thair men, tennentis, and servandis ansuerabill and obedient to law and justeice, his Majesteis will and pleasour is that the saidis actis be frome hencefurth in all the brancheis thairof dewlie observeit and put in executioun.

"That all landislordis be ansuerable for thair men."

Item, his Majestie commandis and ordanes that no notorious offendaris for stouthes or otheris crymes be let to bayle be ony of the Commissionaris of the Middle Schyres or otheris his Majesteis ministeris bot in oppin court, and, gif ane or ma of the Commissionaris or otheris his Majesteis ministeris sall bayle a malefactour out of court, the Commissionaris and ministeris salbe ansuerabill alsweill to the pairtie at whose instance the malefactour wes arreisted for the redres of his skaith as to the Kingis Majestie and his Counsell upoun the brek of dutie in his office.

"That no malefactour be sett to bayle bot in oppin courte."

Item, his Majestie commandis and ordanes that all warrandis frome the schireffis, justices, and commissioneris sall ryne throughout the Schyres and haif effect and executioun according to law, so as no hinder to justice sall arryse be ony interruptioun thairof.

"Anent the executioun of warrandis."

"Anent the following of thevis."

Whairas in his Majesteis first Parliament haldin at Edinburgh in the moneth of December 1567 it wes statute and ordaneit that, quhen ony theiffis comes to steall and reave trew menis guidis within the incountrie, that all his Majesteis leiges dwelland in the boundis quhair the theives resortis sould ryse, cry, raise the fray, and follow thame, alsweill in thair cuming as thair outpassing, on hors and fute, for redding of the guidis stollin and reft and apprehending of the malefactoris to be brocht to justice, under the pane to be haldin pairtakeris with the theives in thair theivisch deidis, as the said act beares; quhilk act hes tane small effect and executioun thir divers yeiris bygane, to the encuragment of malefactoris to contenew in thair evill doingis: thairfoir his Majestie commandis that the said act be preceislie observeit frome hencefurth, and for this effect that all the inhabitantes within the Middle Schyres, quhen the cry or fray salbe raisit or other persute salbe maid after ony theives or otheris fellowis, that thei ryse, follow, and persew thame on hors and fute, conforme to the tennour of the said act and under the paine foirsaid contenit thairintill. Borders. Fol. 63, a.

"Anent oistlair housis."

Forsamekle as the greit and unnecessar number of oistler housis keipit within the boundis of the Middle Schyres is ane of the cheiff causes that procures the disordoures and insolenceis so frequentlie occurring within the same, in so far as, disordourit and idill persones haveing thair ordinarie meittingis in thir oistler housis, they spend the tyme thair in dyceing, cairting, and utheris exerceissis, and do consult upoun the meanis to prosecute all thair wicked pretensis, thairfoir his Majestie ordaines and commandis this unneccessar number of oistlair housis to be represt, and ordaines the Commissioneris nominat be his Majestie for this bussines in the boundis quhair thir oistlair housis ar keipit to have a cair that nane be sufferrit to keip oystlair housis bot such as ar knowin to be of honest and goode conversatioun, and that sufficient suirtie be fund be thame that yei sall keip guide ordour in thair housis, and that yei sall not willinglie ludge ony leude or suspect persones, nor suffer any dyceing nor cairting to be in thair housis, nor no excessive drinking, bot in moderat sorte and at seassonable houres and no utherwayes, under the paine of imprissonement and other punischment to follow thairupoun.

"That nane mantene malefactoris."

Forsamekle as the countenance, protectioun, and mantenance schowin and gevin in tyme bygane to personnes knowin to have beine malefactoris, and who ar now suspect to be offendaris, ressaittaris, conceillaris, and manteinaris of notorious leude and wicked persones, hes bred too much curage and hairt in thame to leive in all kynd of impietie and insolence, —thairfoir his Majestie doeth straitlie command, charge, and inhibite all his Majesteis leigis, of quhat estaite, qualitie or degrie soevir they be, that nane of thame presum to contenance or menteyne ony of the saidis persones under quhatsumevir pretext or cullour, under the paine of incurring of his Majesteis havie displeasour and to be punist accordinglie at his Majesteis arbitriment.

Item, that the wyffis and childrene of all such persones as hes heirtofoir

Borders.

Fol. 63, b.

bene banischit or hes become voluntarie fugitives into Ireland addresse thame selffis with all convenient diligence to thame [thair] husbandis, and that thei nor thair husbandis onnawayes presum to returns agane within this realme, under the paine of impriseonement and forder punischment as his Majestie sall think fitt to inflict upoun thame. "Anent the wyffis and childrene of banisheit personis."

Item, that all fugitives and outlawis tak notice and wairning by this proclamatioun that thei ar to rander thame selffis to some justices of peace of the Middle Schyres betuix and the first day of Januar nixttocum at thair perrill; quhairin gif thei failyie, his Majestie declairis and ordaines that all ressettaris and manteynaris of thame efter the said day salbe takin, apprehendit, and committit to prissone, thair to remaine till they produce the principallis or that the principallis be otherwayes apprehendit. "Anent the ressett of fugitives."

Item, for preventing and better discoverie of the stouth of cattell in the Middle Schyres, his Majestie doeth command and ordane that no beeff nor scheip be brocht to be sauld in ony fair or mercatt by ony boutcher or uther persone without the hyde nor without the skyne hanging on the carkeis, under the pane of imprisonement and forfeytoure of the beiff and scheipe so brocht to the mercatt, to be bestowed on the puire of the place quhair suche offence salbe committed. "That no beif nor sheepe be brought to mercat without the hyde and skine."

Item, that no persone nor persones within the Middle Schyres buy ony hors, scheipe, or cattell bot in oppin fair and mercat and with borgh and hammell; and, notwithstanding of the borgh and hammell useit in Scotland and of the tolling of England, his Majestie ordanis that, trew men sustening skaith and challenging thair guidis, upoun sufficient prooff, sall have the same delyverit, reserveing the byaris actioun to seik thair warrand. "That no horsse, sheepe, or cattell be sauld in the Middle Schyris bot be oppin mercatt."

Whairas thair is a nomber of idill and insolent persones within the boundis of the Middle Schyres that cannot be reformed nor reclamed from thair leude forme of leiving bot by seveir punischment, thairfoir his Majestie ordanes and commandis the Commissioneris whome his Majestie hes truisted in this buissines to mak a survey and searche and to tak trew informatioun of all idill personnes and vagaboundis within the saidis boundis wanting a trade and lawfull calling . . in forme (?) to the saidis Lordis of thair names and faultis, and to resolve upoun sum cours how they may be send out of the countrey to some remote pairtes to serve in the waires or in coloneis, that thei may no more infect the plaices quhair they abyd within this realme. "Anent a survey of idill men."

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Whairas, by ane former act maid and sett doun be the Commissionaris of the Middle Schyres according to ane speciall warrand and directioun gevin to thame frome his Majestie, the use of all kynd of armour and wapones, suche as jackis, spearis, lances, swordis, steilbonnettis, hacquebuttis, pistollettis, and otheris suche lyke, wes expreslie forbiddin to all personnes within the boundis of East and West Teviotdall, Liddisdaill, Eskdaill, Ewisdaill, and Annanderdaill, except the noblemen and gentilmen unsuspect of felloneis and thift and not being of brokin clannis, under "Discharge of the use of armes in the Middil Schyris."

the pane of confiscatioun of the same armour to his Majesteis use, and imprissonement of the saidis persones dureing his Majesteis will; and quhairas lykwyse they wer forbiddin the use of all horssis, saulfing meane naigis of threttie pundis pryce, under the said pane of imprissonement and confiscatioun: his Majestie doeth heirby straitlie charge and command the said act and ordinance to be hencefurth dewlie observeit, followit, and execute. Borders.

"Anent the remanding of malefactoris."

Whairas heirtofoir thair hes [bene] commissionis gevin be his Majestie to Commissioneris of Scotland and England for remanding of offenderis to the severall plaices quhair the offensis wer committed,—quhilk hes beine for a tyme discontinued, since quhilk tyme offences in these pairtes hes more and more abondit, quhairby thair is a necessitie of reveiving the same till the saidis countreyis be brocht to better ordour,—thairfoir his Majestie commandis that suche as commit fellonyes or otheris hynous offensis punischabill be the law in the kingdome of Scotland and flie into England salbe apprehendit and remandit to the plaice quhair the fact wes committed, thair to ressave thair dew punischment, and so reciprocallie that the lyk be done in Scotland for suché as committ the lyk offensis in England and flie thether to eschape punischment. For quhilk purpois his Majestie hes directit his commission to speciall Commissioneris of both natiounes provisionallie for the better executioun and performance of the service.

"Anent informaris of thift."

The Kingis Majestie, with advyce of the Lordis of Secreit Counsell, ordaines and commandis that, gif ony persones be apprehendit for thift upoun informatioun, that the judge to whome the informatioun is gevin tak the informer bundin to persew the persone or persones apprehendit, and not to ressave ony restitutioun or satisfactioun for conceilment.

"Anent personis apprehendit with a fang."

To the effect justeice be not delayit, his Majestie, with advyce foirsaid, ordaines and commandis that, quhen ony fugitives or otheris persones are taine reid hand with a fang, gif the Commissioneris be not schortlie to meete, the persone or persones apprehendit salbe caryet to the schireff of the schyre, by quhome justeice salbe done according as his Majesteis Counsall sall appoynt. Fol. 64, b.

"That adverteisment be maid on ather syde of the names of fugitives."

Gif ony within the kingdome of Scotland be maid fugitives, his Majestie ordanes that adverteisment and informatioun salbe gevin in haist to the Englisch syde of thair names, thair schape, fassioun, and culloure, for thair better discoverie; and that the lyke be used within Scotland from schyre to schyre.

"Anent persones apprehendit upoun information."

Anent the apprehending of persones upoun informatioun, gif the persone or persones apprehendit or dilat will find guid cautioun to be ansuerabill at the Justice Court, his Majestie, with advyce foirsaid, remittis to the discretioun of the Commissioneris outher to tak cautioun of thame or to arreist thame to the court, as thay sall find the caus to requyre; bot, gif thay cannot nor will not find cautioun, that then they be committit to sure waird in the nixt jayle, thair to remane to be furthcumand to thair tryall.

Borders.

Gif ony fugitives be apprehendit or ony utheris persones be apprehendit reid hand or with a fang, his Majestie ordanes that thay be nawayes put to libertie upoun ony conditioun quhatsumevir, bot committit and detenit in waird untill the tyme of thair tryall. "That personis apprehendit with a fang be not put to libertie."

The Kingis Majestie, with advyse foirsaid, ordanes letteris to be direct chargeing officeris of armes to pas to the mercat croces of the head burrowis and townes within the saidis Middle Schyires, and thair be oppin proclamatioun mak publicatioun of the saidis articles, and to command all gentilmen and friehalderis within the saidis boundis to have a copie of thir articles oppinlie affixt in his hous, to the end that such as can read may know thame and suche as can not reid may learne thame of otheris, so as heirefter none pretend ignorance of the same. "That the articlis abone-writtin be publist."

Forsamekle as the Kingis Majestie hes found by experience that thair [is] tua cheiff causis quhilkis do foister and interteny thift in the Middle Schyris and hinderis and interruptis his Majesteis princelie cours and resolutioun anent the satling of the same in quyetnes and obedience,—the one thairof is the nomber of unnecessar oistler housis keipit and haldin within the said boundis, and the uther is the greit number of idle people, maisterles men, and vagaboundis wanting a lawfull trade, calling, and industrie, hanting and remaneing within the same boundis, who being suspect of leiving by unlawfull meanes, they do spend the tyme iddlie in thir oistler housis at cairting, dyceing, drinking, and other extraordinair excesse, and do thair consult upoun the oportunitie and occasioun to committ thair thiftis and to execute thair otheris wiked and godles pretensis, declairing thame selffis by all thair actiounes to be rather ane superfluous burdeine nor ony wayes proffitable to the countrey, and by thair lewd and wicked forme of leiving they steir up utheris to imitat thame in thair idlenes and insolenceis,—and the Kingis Majestie being cairfull that this wicked abuse of suche unnecessar number of oistler and ailhousis salbe removed, and that the countrie salbe fred and releiveit of the superfluous burdyne of thir idle persones and maisterles vagaboundis who wantes a certaine trade, calling, and industrie, and in that respect ar verie suspect to leave by unlawfull meanis: for this effect his Majestie, with advyce of the Lordis of Secreit Counsell, hes maid and constitute and be the tennour heirof makes and constitutis the persones particularlie underwrittin his Majesties Commissionaris within the boundis particularlie efterspecifeit to the effect following:—to witt, Alexander, Erll of Home, Cokburne of Langtoun, Alexander Home of Rentoun, and the schireff of Bervik being for the tyme, within the boundis of the Mers; Douglas of Cavers, schireff of Teviotdaill, and . Douglas of Bonjedburgh, within the boundis of Jedburgh Forrest; Robert, Erle of Roxburgh, William, Lord Cranstoun, Sir Andro Ker of Oxinhame, Sir Robert Stewart of Schillinglaw, and the schireff of Teviotdaill, within the boundis of Teviotdaill; Walter, Lord Balcleuch, within the boundis of Liddisdaill; Sir Johne Ker of Jedburgh within the boundis of Ewisdaill and the Debaittabill Land; the said Walter, Lord Bugcleuch, and Robert "Commissioun anent the survey of brokin men."

Fol. 65, a.

Maxwell of Carlavrok, within the boundis of Eskdaill; Lord Herreis, Douglas of Drumlangrig, Sir William Greir of Lag, the schireff of Drumfreis being for the tyme, and Sir Thomas Kirkpatrik of Closburne, within the boundis of Annanderdaill and Nithisdaill: gevand, grantand, and committand to thame full power and commissioun, expres bidding, and charge, everie ane of thame within the boundis abonewrittin designit unto thame, to tak ordour that no ailhousis be keipit within the saidis boundis bot in such plaices as may be for the releiff and ressait of travelleris, and that the keiperis thairof be knawin to be of honest and guid conversatioun; and that thei tak cautioun of the landislordis of the ground quhair thir oistler or ailhousis ar keipit and standeth that they salbe ansuerabill for the guid behaviour of the inekeiparis, that they sall keip guid ordour in thair housis, and that they sall not willinglie ludge ony leude or suspect persones, nor suffer any cairting or dyceing to be in thair housis, nor na excessive drinking, bot in moderat sort and in seasonable houres, under such paines as the Lordis Commissioneris sall appoynt; with power to thame alsua to mak a survay and informe thame selffis trewlie and sufficientlie of all idle persones, maisterles men, and vagaboundis and of the most notorious leude persones within the saidis boundis, and to put thair names in roll, and to bind thame under cautioun and assuirance that thei salbe furthcumand to the saidis Commissionaris quhenevir they sall call for thame; and that thei report thair names in wreitt to the saidis Lordis, to the effect such cours may be resolveit upoun for thair transportatioun as salbe thocht expedient: ferme and stable halding and for to hald all and quhatsumevir thingis the saidis Commissioneris sall lawfullie do heirin. Borders. Fol. 65, b.

List of remaining Border fugitives.

The names of the persones fugitives fra the justeice courtis haldin be the Commissionaris of the Middle Schyris.

Fergie Bell, callit the Craw.
Syme Hall, sone to Johne Hall in Syikis.
Wattie Grahame in Mossop.
William Johnestoun in Myneheid.
Geordie, Andro, and Robie Johnestounis, his sones.
Jamie Johnestoun, callit Mairtenis Jamie, in Preistdyckis.
Geordie and Davie Johnestounes, brether of Reidhall.
Hew Corsbie in Dalruskane.
William and Andro Baeteis, sones to Archie of the Skoir.
Gibbie Johnestoun, sone to umquhill Symie of Furglen.
Davie Trumbill in West Leyis.
Will Kirkpatrik, sone to Thome Kirkpatrik, in Woodheid.
Dun Willie Ellott in Ailmuir.
James Scot in Chappelhill.
Geordie in Castelhill.
Kirstie Ellot, callit Hobis Kirstie.
William Rutherfurd, brother to Thomas Rutherfurd, in Toftis. Fol. 66, a.
Andro Johnestoun in Mylnebank, callit Kirsteis Andro.

Borders.

Mathew Bell in Auchinrevok.
Jonie Beatie, callit Jonie Idill.
Jamie Armestrang of Capilgill.
Andro Chartouris, in Bus.
George Turnbull, sone to the Laird of Bedroule.
George Tait in Dowknow.
Williame Carrutheris of Danebie.
Johne Carrutheris, his sone.
Johne Johnestoun, callit of the Gait.
Ebie Armestrang in Kirktoun.

The persones abonewrittin are selected oute of the fugitives rollis becaus the rest of the haill fugitives are knawin to be dead or alluterlie oute of this kingdome, and thir also fled, some in Ireland, some in England, and frequently to come quyetlie in and oute of this kingdome."

Acta Sept. 1617–July 1620. Fol. 151, b.

Sederunt—Chancellor; Wyntoun; Lynlithqw; Lotheane; Binning; Lord Flemyng; Master of Elphinstoun; Justice Clerk; Advocate; Halyruid-house, 30th September 1618.[1]

[1] In the interval between this entry and the last, viz. on the 11th of September, there had been the beheading at the Market Cross of Edinburgh of a Mr. Thomas Ross, brother of the Laird of Craigie in Perthshire, for one of the most extraordinary crimes of which there is record in Scottish Annals. There is brief mention of the incident in Calderwood (vii. 336); but a full account of the affair is given in Pitcairn's *Criminal Trials*, iii. 445–454, and 582–590. The following is a summary:—On a Tuesday in the month of July 1618, being a preaching day in Oxford, a scholar in one of the colleges there, passing the door of St. Mary's Church, had been attracted by the sight of a long paper in Latin affixed to the door, and, on glancing at it, had found it to be a Pasquil against the Scottish nation, in the form of a Thesis for debate, with ten appended statements or reasons. The Thesis, which the writer offered to maintain against all opponents in Oxford, Cambridge, or elsewhere, was "That all Scotsmen ought to be expelled from the Court of England, with the exception of his Majesty himself, the Prince, and a very few others, and that Englishmen, though generally quick-sighted, were mightily blinded and deceived in suffering an unprofitable and pernicious multitude and puddle of such rascals as the Scots were to rage and domineer within their entrails." Without reading much further than this, the horrified Oxford man had torn down the paper and taken it to the Vice-Chancellor of the University, Dr. Goodwin. The Vice-Chancellor had no difficulty in recognising the handwriting as being that of a young Scotsman, Mr. Thomas Ross, who had been sometime about Oxford, and had been pestering him with complaints of the ill-treatment he had received from some of his countrymen at Court, and of his consequent poverty, and with applications for a *viaticum* or licence to beg money enough through the Colleges to carry him to Paris. Within a quarter of an hour the poor wretch was under lock and key in prison, to await his Majesty's instructions as to what should be done with him. His Majesty, to whom the offensive paper had been sent, felt himself greatly obliged to the Vice-Chancellor, and at once dispatched the paper to the Scottish Privy Council, with a letter intimating that the culprit would be sent down to Scotland for trial and some fit punishment. "Although "by the laws of this our Kingdom [*i.e.*, of "England]," the letter said, "it be not per- "mitted to use extraordinary punishments, "yet hath it ever been lawful for the Kings "there [*i.e.*, in Scotland] to devise and in- "flict punishments according to the quality "and nature of the offence; which in this "particular can be no less than treason. For, "if no man make question but that the writ- "ing of an invective against the King and "his progeny is treason in the highest de- "gree, then in our opinion it is a grievous "fault, and we could more easily forgive the "writing against ourself, that one should "write against the whole nation from which "we are sprung. And, if it were a matter "capital in Germany for Stercovius,—being "a German, a mere stranger to Scotland, and "one who perchance had been hardly used

Ridhouse; Medop; Sir George Erskin; Marchinstoun; Mr Peter Rollok; Foistersait; Conservator. Acta Sept. 1617–July 1620.

Charge to the Marquis of Huntly and Lord Gordon, on the one hand, and to Sir Lauchlan Mackintosh, on the other, for preservation of the peace, and for the orderly conduct of the dispute between them as to the right to the teinds of Inverness.

The Lords, understanding that there is "some grite appeirance of trouble" between George, Lord Gordoun, and Sir Lauchlane M^cIntosche of anent the right to the teinds of the parish of Innernes or to "some otheris teyndis acclamed be ather of thame," order the said parties, and George, Marquis of Huntlie, to keep the peace till the settlement of the dispute at law,—the said Marquis under the pain of £20,000 (merks ?)his said son under the pain of £10,000, and the said Sir Lauchlane under the pane of 10,000 merks. Further, that the lieges "contene thame selffis in quietnes," under these pains:—an earl, £10,000; a lord 10,000 merks; a baron, laird, or landed gentleman 5000 merks; a gentleman, burgess, or other person in such a sum as the Lords shall modify: the one half to be paid to the King and the other half to the party against whom they shall given assistance. "And siclyke to command and chairge the said Lord Gordoun, and the Marques of Huntlie, his fader, that, gif Fol. 152, a.

"by some particular person there,—to have "written against that whole Kingdom [*ante*, "vols. IX. and X. by Indexes], how much more "must it be capital to this fellow, who, being "Scots born, hath so villianously, filthily, "yea, and falsely, defamed his own country!" The Privy Council, in reply, had assured his Majesty, in a letter dated the 30th July 1618, and signed by Chancellor Dunfermline, Secretary Binning, and Lord Advocate Oliphant, that the existing laws of Scotland were amply sufficient for dealing with Mr. Thomas Ross. That unfortunate having been brought to Scotland by sea, there had, accordingly, been his trial in Edinburgh on the 20th of August, when he was "dilaitit of the devillische and "detestable forgeing, fenyeing, blasphemous "uttering, and by writ publictlie exposeing, "of ane villaneous, infamous, and devillische "writ, all written with his awin hand, con-"teninge ane Pasqueill or These, togidder "with ten severall abhominable articlis or "appendices confirmeing the samyn." Only the words of the main thesis were quoted in the indictment, the ten appendices being purposely omitted as "nocht worthie to re-"mane in ane register to offend the earis or "eyis of the posteritie." They have been preserved, however; and here are specimens of their language, apparently as translated from the Latin:—"Sanct Jerome, Augustin "and Strabo wryttis that Scottismen of auld "were men-eitteris, or eitteris of menis "flesche; and truly; for as yit the flesche "whilk the ancient Scottis swallowed stikis "in the jawis and teith of the courtioures"; "The seaven leane ky of Pharao consumit "and distroyit the sevin fatt and weill-fed "ky, and yit war nocht satisfeit; and the "sevin deaff and toome eares of corne blasted "with the east wind swallewed up the sevin "big and fatt eares, and war nocht filled: "swa, these courtioures by thair begynning "and offspring and just estait being most "miserable, thay distroy, overturnes, and "consumes Ingland, ane maist plentieful "cuntrie, and ar nocht yit fillit"; "Thay "spend more on thair gairtanes [garters], and "ribbons in the latchettes of thair schooes, "than thair fatheris bestowis in the inter-"tenement of thair haill familie"; "These "Scottis courtioures (verrie few exceptit) "haif the disloyaltie or unfaithfulness of the "Carthaginians, the mensworne aithes of the "Phrygianes or Trojanes, the luxurie of the "Persians, the avarice of Midas," &c., &c.; "Unto his schyneing and royall Majestie be "untrublet health and increse of glorie! but "God from the heavens persew these court-"ioures with blak fyre and brimstone! I "shall, so long as I leave, for thair distruc-"tioun schaw myselff Coriolanus, and nocht "Themistocles,—that is to say, ane oppin "ennymie, and nocht ane secreit freind"; "O Inglische! Inglische! the most expert "and wysest natioun in weir, the terrour of "the Spanyaird, triumparis over France and "Guyene by so long a tyme, in what be-"numbnes or drousines are ye fallin!" "Now England is haillyly delyverit over in "the handis of Scottis courtiouris, and the "judges haif enterit thair nekis under the "yoke of theiffis. O, the warld is turned up-"syde doun! We ar now overturned unto

Acta Sept. 1617-July 1620.

thay or ony of thame hes or pretendis ony richt of title to the saidis teyndis, that thay direct ane commissionair for thame, accompanied with a notair and witnesis, in peciable and quiet maner, and mak lauchfull intimatioun and offer unto the said Sir Lauchlane that thay are reddy to teynd. And, gif the said Sir Lauchlane sall refuise to suffer thame to teynd, or sall mak ony oppositioun or resistance unto thame, that thay tak instrumentis thairupoun conforme to the ordoure, assureing thame that not onlie sall thay have actioun of spuilzie aganis the said Sir Lauchlane and his freindis who sall mak the said oppositioun and resistance, bot with that thay salbe callit and convenit thairupoun before his Majesteis Counsaill, and, being tryit to have proceidit unlauchfullie, sall not onlie be decernit in the panes abonewrittin, bot also salbe censurit and forder fynnit thairfore at the arbitrament of his Majesteis Counsaill,—the one half of the quhilkis fynnes sall apperteyne to the said Lord Gordoun. And siklyke to command and chairge the said Sir Lauchlane that, gif he hes or can pretend ony richt or title to the saidis teyndis, and gif the said Marques of Huntlie, the Lord Gordoun, or ony in thair names, sall come violentlie to leade the saidis teyndis, that the said Sir Lauchlane mak onlie lauchfull interruptioun in presence of ane notair and witnesis in a civile and peciable maner without ony violent oppositioun or resistance, assureing him that, gif the said Marques and Lord Gordoun, or ony in

" the auld mass and chaos of confusion. Lett " sum revendge spring out of my bones, that " may chestise with fyre and sword the Scottis " Court and her possessoures ! Geve thankis, " ye Scottis courtioures, unto my povertie, " and nocht unto the barrannes and penurie " of my ingyne, gif I airme nocht all Ingland " to cut your throttes."—For this crack-brained stuff, the jury having found the prisoner guilty, the sentence was that his right hand should be cut off, and then his head,—the head to be set up on an iron spike in the Nether Bow Port, and the hand in the West Port. The execution, however, had been postponed till his Majesty's pleasure should be known; but, no reprieve having been received, the law took its course on the 11th of September.—Actual *insanity* seems to be the most natural explanation of the case now; and the poor fellow's own words in his confession on examination on the 11th of August, or nine days before his trial, seem to favour that explanation. Demanded what moved him to write the libel, " depones that, " he being ane gentilman borne, depryved of " all benefeit that he micht expect of his " fatheris estait, and being reducet to the " extreme point of miserie and povertie, and " haveing ressavet mony insupportable in- " jureis of his cuntriemen at Court, he being " eschamed to beg, and desdaneing to steill, " and haveing no meanis quhairby to inter- " tene himselff, finding no comforte nor " releif of his cuntriemen at Courte, he thair- " foir, being in despair and mad, out of his " distemperat humour and frenysie, and sair " aganis his heart, without ony settled resolu- " tioun, and without ony purpois to do evill, " bot to schaw the greif of his heart, and to " move pitie and compassioun to him, wrait " thir Theses, thinking that the wryting " thairof in this his mad humour and dis- " positioun would rather procure pity nor " wraithe at his Majesties handis." Something of a morbid literary vanity, however, seems to have mingled with the madness. So one infers from the letter written by Secretary Binning to the King on the 22nd of August, informing his Majesty of the death-sentence pronounced two days before, and referring it to his Majesty. " This malitious frenesie," Binning wrote, " is so mixed with presump- " tion of his owne wourth as he thinkis " the use of his learning and eloquence " necessar to the world, and that, his pas- " sioun having furneissed so much stuf in so " bad a pourpose, he is able, in ane subject " so wourthie and true as the commendation " of your royall guiftes of bodie and mynd " and most princelie actions, to kythe miracles " in dew publeissing thairof."

thair names, sall lead the saidis teyndis without richt, title, or ordoure of law, that not onlie sall thay be callit and convenit thairupoun before his Majesteis Counsaill, and, being tryit to have proceidit unlauchfullie, salbe decernit in the panes abonewrittin, bot also salbe censurit and forder fynned thairfore at the arbitriement of the Counsaill. The one half of the saidis fynes sall apperteyne to the said Sir Lauchlane; bot that the said Sir Lauchlane sall have actioun of spuilzie aganis the saidis personis, and sall have summair and favourable justice thairin as accordis of law." Acta Sept. 1617–July 1620.

[Sederunt as recorded above.] Decreta Nov. 1617–Nov. 1618.

Halyruid-house, 30th September 1618.
John Rig, messenger, against John Ferguson in Dunreggan, for assault and threats.

Complaint by Johnne Rig, messenger in Dunreggane in the parish of Glencarne, as follows:—Johnne Fergusoun in Dunreggane, tenant of Andro Rorysoun of Burnedannoche, who has conceived a hatred against pursuer, resolved to do an ill turn to him on Sunday 12th July last. Pursuer had been at the kirk of Tynround, two miles distant from his home. In the evening, defender "lap on his horsse, and poistit away on the way before the said complenair, and lay at await for him at that pairt of the said way betuix Denmacarrane and Dunreggane in a dernit place thairof." When pursuer had passed, defender rushed out with a drawn sword, and said, "Be tane, for heir I sweir to have thy lyff." He took pursuer captive to a cleugh between the lands of Dunreggane and Barndannoche, and there "with his drawne swerd, undir cloud and silence of nicht," wounded him on the head, left hand, and other parts—"complenair euir crying, for Godis peace and the Kingis, to saulff his lyff." As pursuer lay bleeding and "lying in deid thraw," defender said, "Soone write with thy awne hand ane dischairge to me of this dayis worke and all materis that euir I did to the before this tyme, or utherwyse thow sall nevir speik ane uther word." He "compellit the said complenair to write, subscryve, and deliver to him the said dischairge; and compellit also the said complenair to sweir that he nather reveill nor yit evir complene of this mater thairefter." Defender has divers times confessed this insolence, and avowed that "he sall yit cutt the said complenairis throppill, and sould cum and round the same in his eare."—Pursuer appearing, and defender not, the Lords order defender to be denounced rebel. Fol. 310, b. Fol. 311, a.

Caption against Crichton of Strathurd and others for debt to William Ray, burgess of Perth.

Complaint by William Ray, saddler, burgess of Perth, and Helene Pittallo, his spouse, that Johnne Creichtoun of Strathurde, as principal, and Patrik Creichtoun, his brother, Thomas Narne of Muckarsie, and George Narne, his eldest son, as cautioners, remain unrelaxed from a horning of 3rd April 1613 for not paying 600 merks and £40 of annual-rent, together with 100 merks of expenses.—Pursuers appearing by Williame Crombye; and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend Johnne Creichtoun and George Narne, seize their houses, and inventory their goods for the King's use. Fol. 311, b.

Caption against Sir Alexander

Complaint by Helene Swane, daughter of William Swane, writer, and by him as father and administrator, that Sir Alexander Hammiltoun of Fol. 312, a.

Decreta Nov. 1617–Nov. 1618.

Fentoun, knight, remains unrelaxed from a horning of 6th August last for not paying 400 merks of principal, and £40 of expenses, together with the annualrent of principal due.—Pursuer appearing personally, and defender not appearing, the Lords give order as above. Hamilton of Fentoun for debt to Helen Swan.

Complaint by James Lundy, brother german of Robert Lundy of Balgonie, that George Allerdyse of Skeddowie, Robert, Henry, and Andro Allerdyse, his sons, remain unrelaxed from a horning of 28th July last for not finding caution and lawburrows for the indemnity of pursuer's tenants and servants, the said George in 1000 merks, and each of his sons in 400 merks.—Pursuer appearing by Mr Johnne Rollok, and defenders not appearing, the Lords give order to the Captain of the Guard as above. Caption against George Allardyce of Skeddowie and others for not finding indemnity to Robert Lundie.

Fol. 312, b.

Complaint by James Murehead of Schawfoote, and Claud Murehead, his son, merchant burgess of Edinburgh, that Laurence, Lord Oliphant, remains unrelaxed from hornings of 30th August 1617 and 12th September instant for not paying "the annuelrent and sowme of thrie hundreth merkis money yeirlie" owing for 1617 and 1618,—in all 600 merks; also that he and Lillias Drummond, his wife, remain unrelaxed from a horning of 12th September for not paying £195, 6s. of principal and £20 of expenses.—The said Claud appearing for himself and father, and defenders not appearing, the Lords give order to the Captain of the Guard as above. Caption against Lord Oliphant for debt to Muirhead of Shawfoot and his son.

Fol. 313, a.

Complaint by the King's Advocate and Michaell Ramsay of the Forth that Robert Fraser of Brakie, Andro Bowman, cordiner in Dundie, Johnne Lorymair in Monyfooth, and William Durwart in Campt have, between January 1616 and July 1618, carried hagbuts and pistollets, and have shot great numbers of his "cuningis" on his links of the Forth.—Pursuers appearing personally, and the said Robert Fraser of Brakye not appearing, the Lords order him to be denounced rebel. Prosecution of Fraser of Brakie and others for carrying hagbuts and pistols.

Fol. 313, b.

Complaint by Thomas Allane, messenger, and Gaird Sleiche, widow in the Cannogait, for her interest, as follows:—On 4th September instant, pursuer went to Haddington at the said widow's instance to apprehend Johnne Fulscher there, who was at the horn for a certain debt. Pursuer apprehended him on the High Street of Haddington on 5th instant, and was about to have him committed by a magistrate. Meanwhile Patrik Broun, late bailie and now treasurer of the burgh, sent Issobell Addingstoun, his wife, to tell him to bring the said rebel to his house, and he should there receive payment. When he went there, the said Issobell and "thrie or four score" women "lap upoun the said complenair, tooke him be the throppill, violentlie rasched him to the ground, held him fast doun to the ground, geving him mony bauch and bla straikis, ay and quhill the said Patrik Broun, assistit be Johnne Wilsoun, littistair in Haddingtoun, and the wemen foirsaid, tooke the said rebell af the said messingeris handis, conveyit him in at ane chalmer and oute at ane bak dure, and pat him to libertie. And the said Patrik Broun said to the said Thomas Allane "Pack yow away, false knove, oute of this house; ye dar not, for youre hanging, tak the said Johnne heir within this house. And the said Issobell Adingstoun, assistit be the wemen foirsaid, verie schamefullie and Thomas Allan, messenger, against Patrick Broun, bailie of Haddington, and his wife, for assault and deforcement.

Fol. 314, a.

unhonnestlie harlit the said messinger be the feit throw the house."—The messenger appearing for himself and Gaird Sleich, and Patrik Broun for himself and his wife, and Johnne Wilsoun being present, the Lords assoilzie defenders, because pursuers have failed in proof. Decreta Nov. 1617–Nov. 1618. Fol. 314, b.

Captions against Mungo Johnston in Selkirk and others for debt to John Murray.

Complaint by Johne Murray of Halmyre, merchant burgess of Edinburgh, that Mungo Johnnstoun, cordiner, burgess of Selkirk, and James Johnnstoun, his son, remain unrelaxed from a horning of 9th July last for not paying 800 merks of principal and 100 merks of expenses; that Andro Angus, elder, burgess of Selkirk, remains unrelaxed from a horning of same date for not paying similar sums; that Johnne Lidderdaill, elder, and Johnne, his son, are unrelaxed for a similar amount; likewise Mungo Cavers, burgess of Selkirk, and Johne, his son, and Johnne Small, elder, burgess of Selkirk, and Johnne, his son; that James Wauche, burgess of Selkirk, and Robert, his eldest son, remain unrelaxed from hornings of 6th and 19th August last for not paying 1300 merks of principal and £100 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, the Lords order the Captain of the Guard to apprehend them, seize their houses, and inventory their goods. Fol. 315, a.

Captions against a number of persons for dues to Mr. David Rodger, minister of Tundergarth.

Complaint by M^r^ David Rodger, minister at Tundirgarth, that Johnne Johnnstoun of Courtstoun, Waltir Hunter at the kirk of Tundergarth, James Bell there, William Johnnstoun in Mossyde, called "Johnnes Willie," Williame Johnnstoun in Halbank, Katherine Johnnstoun, relict of Cuddie Johnestoun in Hayhill, Bessie Bell in Castelhill, relict of Nicoll Johnnestoun there, Nains Johnnstoun, called "Nickeis Nanie" there, George Johnstoun in Ravinshill, Thomas Moffet in Quhytholme, Robert Meldrum there, William Meldrum, his brother, there, Andro Johnnstoun in Westwood, called "of Bogheidis," Robert Armestrang in Ravinshill, George Beatie in Crosdykis, Thomas Tagart, elder, there, Thomas Tagart, younger, his son, Cristie Armestrang in Crosdykis, Symone Litle there, and George Johnnstoun, called "of Fingland," remain unrelaxed from hornings of 1st April and 8th July last for not paying their shares of "the teynd victuall of the personage and viccarage of Tundergarth assignit to him in stipend."—Pursuer appearing personally, and Johnne Johnnestoun of Courtstoun appearing, and the other defenders not being present, the Lords order the said Johnne to be committed to the Tolbooth of Edinburgh, therein to remain at his own expense; and they give order to the Captain of the Guard to apprehend the absentees, seize their houses, and inventory their goods for the King's use. Fol. 320, b. Fol. 321, a.§

Commission to Lord Buccleuch for the apprehension of James and William Scott, and other Scotts, at the horn for concern in the slaughter of Adam Dalgleish.

Commission under the Signet, signed by the Chancellor, Wyntoun, Binning, Sir A. Drummond, and Sir W. Oliphant, is given to Waltir, Lord Scot of Bugcleuch, to apprehend and present to justice James and William Scott, sons of Johnne Scot of Newwark, who remain unrelaxed from a horning of 6th July last, at the instance of Helene Donaldsoun, relict, Issobell and Marioun Dalgleische, and the other friends of the late Adam Dalgleische in Dewchair, for not having found caution to answer for having slain the said Adam; also to apprehend Johnne Scot in Newwark, and Commissions. Fol. 62, b.

Decreta Nov. 1617–Nov. 1618.

William Scot in Fasthauche, who are unrelaxed from hornings of 22nd and 23rd July last for concern in the said murder. Commissions.

Commission under the Signet, signed by the same, is given to William, Lord Cranstoun, William Douglas of Cavers, sheriff of Roxburgh, William Douglas of Bonjedburgh, and Thomas Turnble of Mynto, or any two of them,—the said Lord Cranstoun or the sheriff being one,—to try Andro and Cuthbert M^{c}Dowell in Stainledge, who were taken on 16th instant "with the bloodie hand" after the murder of Fergus Lorane in Gaithouslok, and were committed to the tolbooth of Jedburgh. Commission to Lord Cranstoun and others for the trial of Andrew and Cuthbert M'Dowell for the murder of Fergus Lorane.

Fol. 63, a.

Commission under the Signet, signed by the same, is given to Williame, Lord Creichtoun of Sanquhair, and his bailies of the baronies of Glencarne and Sanquhair to try all persons committing or resetting theft there. Commission of justiciary to Lord Crichton of Sanquhar.

Minute Book.

The *Minute Book of Processes* gives the following memoranda collectively for the month of September 1618.[1]

Proces: Bruce of Carnok against Georg Mowbrey for violent deteaning of ane of the persewairis coal-beareris.

Ryott: Thomas M^{c}Clellan against Andro Arnott.

Ryott: Andro Barclay against Robert Falconer.

Ryott: M^{r} Robert Alexander against Mark Abercromby.

Proces for destroying of planting: Earle Buccleuch against James Nicoll.

Ryott: Andro Barcley against Sir Alexander Falconer.

Rebellion: Issobell Gaw against Earle of Tullibardin.

Ryott and hamsuken: Johnne Murray against William M$_{c}$Ilroy.

Rebellion: Andro Hay against M^{r} Robert Hoom, &c.

Oppression: Session of Carluik against Thomas Weir, &c.

Letteris: William Leitch and William Russell craving to be putt to liberty upon offer of assyth.

Letteris: Patrik and Andro Allans against Gilbert Huntar for releiving him of the pryce of sum tobacco that wes confiscatt.

Ryott: Johnne Huntar against James Libbertoun.

Letteris: Johnne Lindsey against Baylie [of] Ainsley for permitting Hew Broun to be putt to liberty.

Letteris: Advocatt against Johnne M^{c}Cavin for importing victuall contrar to ane Act of Counsell.

[1] It was on some day about the close of this month that Taylor the Water Poet, who had arrived in Edinburgh on the 13th of August, but, after staying a week there, had gone off on an excursion northwards as far as the Braemar Highlands and Strathbogie, found, on his return from that excursion, his fellow-tourist Ben Jonson comfortably lodged in Leith "at one Master John Stuart's house." They had not crossed each other's paths in Scotland till then, Ben having taken Annandale and the Lochlomond district in his route before coming to Edinburgh. "At my taking "leave of him," the Water Poet tells us, "he "gave me a piece of gold of two and twenty "shillings to drink his health in England, "and withal willed me to remember his kind "commendations to all his friends. So, with "a friendly farewell, I left him as well as I "hope never to see him in a worse state; for "he is amongst noblemen and gentlemen "that know his true worth." Within a day or two after this interview the Water Poet had begun his long tramp back to London, which he reached on the 18th of October. Ben Jonson was to stay on for some months more, in or about Edinburgh.

Oppression: Johnne Murray against William Broun. Minute Book.

Ryott and oppressioun: William M^cIlroy against Sir Archibald Stirling.

Rebellion: James Lundy against Johnne Alderdyce.

Deforcment: Thomas Allan against Adinsoun and utheris.

Proces for weiring pistolletis: Michaell Ramsay against Robert Fraser.

Letteris of fyraising: Elspeth Ure against Johnne Muirheid, &c.

Rebellione: Williame Ray against Johnne Creichtoun.

Rebellion: Helen Swan against Sir Alexander Swan (? Hammiltoun).

Rebellion: James Muirheid against Lord Oliphant.

Ryott: Johnne Beg against Johnne Ferguson.

Rebellion: Johnne Murray against Mungo Jonstoun, &c.

Rebellion: M^r David Jonstoun against Johnne Roger, &c.

Ryott: Johnne Hamiltoun against Andro Young, &c.

Ryott: Andro Young against William Stirk.

Halyruid-house, 21st October 1618.

Sederunt—Chancellor; Wyntoun; Lotheane; Bugcleuch; Binning; Lord Gordon; Lord Flemyng; Master of Elphinstoun; Medop; Curriehill; Advocate; Marchinstoun; Sir George Erskine; Foistersaitt; M^r Petir Rollok. Acta Sept. 1617–July 1620. Fol. 152, b.

Proclamation of his Majesty's approval of the seven Church Acts passed in the recent General Assembly at Perth, with order for the future strict observance of the same, and especially for cessation from all kinds of labour and handiwork on the five Church Festival Days appointed by one of those Acts.

"Forsamekle as, in the Generall Assemblie of the Kirk haldin laitlie at the burgh of Perth in the moneth of August lastbipast, quhilk wes countenanced with the presence and assistance of certane Commissionairis for his Majestie and of divers noblemen, baronis, and commissionairis frome the cheif and principall burrowis of this kingdome, thair wes certane godlie and guid actis maid and set doun concerning the glorie of God and governament of the Kirk, aggreable to that decent and comelie ordour quhilk wes observed in the Primative Kirk quhen the same wes in the gritest puritie and perfectioun [see *ante*, p. 431, footnote]:—as, namelie, ane act ordaining that everie minister sall have the commemoratioun of the inestimable benefiteis ressavit frome God by and through oure Lord and Savioure Jesus Christ his birth, passioun, resurrectioun, ascencioun, and sending doun of the Holie Goist, upoun the dayis appointit to that use, and that thay sall mak choise of severall and pertinent textis of Scripture and frame thair doctrine and exhortatioun thairto, and rebuke all superstitious observatioun and licentious prophanatioun of the saidis dayis: ane act anent the administratioun of baptisme in privat housis quhen the necessitie sall require: ane act anent the caticheiseing of young childrene of aucht yeiris of aig and presenting thame to the bischop to lay handis upoun thame, and blissing thame with prayer for increse of thair knowledge and continewance of Godis heavinlie grace with thame: ane act anent the administratioun and geving of the halie communioun in privat housis to seik and infirme personis: ane act that the blissed sacrament of the holie communioun of

Acta Sept. 1617-July 1620.

the bodie and blood of oure Lord and Savioure Jesus Christ be celebrat to the people humelie and reverentlie kneilling upoun thair kneis: ane act for restreant of symonicall pactionis in the entrie of ministeris, ordaning that ilk minister sall, before his admissioun and collatioun gevin be the ordinair, sweir the aith contenit in the said act: ane act geving commissioun to certane personis [thairin] mentionat to reveise the labouris of these to whome comm[issionis wes] gevin in the Assemblie of Abirdene for reveiseing the Bo[oke of Com]moun Prayeris and collecting of the Cannonis for Churche [discipline], and, as thay find the same worthie to be allowit, to tak o[rdour] for approbatioun and publissing thairof. Quhilkis actis [being] sene and considderit be the Kingis Majestie, and his Majestie finding that the same hes bene verie wyislie, gravelie, and with good deliberatioun maid and set doun for the weill of the Kirk: Thairfore his

Fol. 153, a.

Majestie, out of his trew respect to the honnoure of God and to have Him honnourit by all his people, hes by his authoritie royall, with the advise of the Lordis of his Prevey Counsaill, ratifiet, allowit, approvin, and confirmed, and by the tennour of this present act ratifeis, allowis, approvis, and confirmis, the actis particularlie abonewrittin, in all and sindrie pointis, clausis, headis, articlis, and conditionis thairof, and ordanis the same to have the force and strenth of lawis in all tyme comeing, and to have effect and executioun in all placeis of this kingdome; and in speciall that thair salbe a cessatioun and abstinence frome all kynd of labour and handiworke upoun the fyve dayis abonewrittin, quhilkis are appointit to be dedicat to Godis service, to the effect his Majesteis subjectis may the better attend the holie exerciseis quhilkis are to be keepit in the Kirk at these tymes. And ordanis letteris to be direct chairgeing officeris of airmes to pas and mak publicatioun thairof be oppin proclamatioun at the mercat croceis of the head burrowis of this realme and utheris placeis neidfull, quhairthrow nane pretend ignorance of the same, and to command and chairge all his Majesteis leigeis and subjectis that thay and everie ane of thame have a reverent and dewtifull respect and regaird to the observatioun thairof, and that nane of thame presoome nor tak upoun hand, upoun quhatsumevir cullour or pretext, to violat the same in ony pointe, bot to gif all dew respect and obedience thairto; and that thay abstene frome all kynd of laboure and handieworke upoun the fyve dayis particularlie abonewrittin; certifeing thame that sall do in the contrair that thay salbe repute, haldin, and estemit as seditious, factious, and unquiet personis, disturbairis of the peace and quiet of the Kirk, contempnairis of his Majesteis just and royall commandiement, and salbe punist thairfore in thair personis and guidis with all rigour and extremitie, to the terrour of utheris, at the arbitriement of the Lordis of his Majesteis Prevey Counsall.—The Kingis Majesteis missive letter for the warrand of the act abonewrittin.—Richt trustie and richt weilbelovit cosen and counsallour, and richt trustie and weilbelovit counsallouris, we grite yow weele. Whereas, upoun the dissolutioun of the last Assemblie at St. Androis, we signified oure just displeasour aganis the proceidingis and

cariage of busynes in the same, so now, at this last meeting at Perth haveing reaped bettir fruites of obedience unto God and our self frome those who aucht to be paternis of pietie and obedience unto utheris, we are glaid to mak knowne unto yow oure grite contentment at receaving suche dew satisfactioun. And thairfore, by oure auctoritie royall, we ratifie and confirme all the articlis aggreid upoun in the said last Assemblie, and do ordeyne that thay sall in all tyme heirefter have the strenth and force of lawis; and do heirby will and require yow to tak suche ordour as the same may be putt to dew executioun in all placeis of that oure kingdome, and, in speciall, that ye tak particulair ordoure for absteyning frome all kynd of laboure and handie worke on these dayis which are appointed to be keipit holie and dedicat to Godis service. Wherein not doubting of your dewtifull cair and best endevoiris, we bid yow fairwele. Gevin at oure honnour of Hampton, the 29th of September 1618." Acta Sept. 1617-July 1620. Fol. 153, b.

Commission to Lord Gordon for the pursuit and apprehension of Ranald MacRonald, son of MacRonald of Gargavach, and now, since his father's flight from the country, the sole outstanding outlaw from the late MacDonald Rebellion.

Preamble in usual terms anent the establishment of the royal authority in the Isles and Highlands. "Thair is onlie ane lymmair,—to witt, Rannald M^{c}Ronnald, eldest lauchfull sone to the traytour M^{c}Ronnald, sumtyme of Gargavache,—that lyis oute, as gif he onlie of all his Majesteis subjectis wer able to stand oute aganis his Majestie and withstand his Majesteis auctoritie; quhilk lymmair with the traytoure his father being cheif and principall actoris with the traytour M^{c}Donnald in his eschaip and brek of waird furth of the Castell of Edinburgh and in all the treasounable courseis attemptit be him thairefter within the kingdome, and M^{c}Ronnald, elder, being guiltie in his awne conscience of his monyfold treasonis, and haveing thairfore fled oute of the cuntrey, his said sone yit remains within the cuntrey, committing mony insolenceis upoun his Majesteis peciable and guid subjectis in all pairtis quahir he may be maister." Commission is therefore given to George, Lord Gordoun, to pursue him and to present him to justice. The customary clauses of indemnity are inserted. All preceding commissions granted against the said rebel are cancelled, and, in especial, that granted to Sir Lauchlane M$_{c}$Intosche of Dunnauchtane [*ante*, p. 403].

Proclamation for concurrence with Lord Gordon in the above.

Proclamation that all fencible persons between sixty and sixteen within the bounds of Lochquaber concur with the foresaid Lord Gordoun under pain of life and lands.[1] Fol. 154, b.

[Sederunt as recorded above.]

Halyruidhouse, 21st October 1618. Complaint by Lord Gordon against Sir Lauchlan Mackintosh of Dunnauchtan for overstretching his commission against Cameron of

Decreta Nov. 1617–Nov. 1618. Fol. 315, a.

Complaint by George, Lord Gordoun, as follows:—"The Kingis Majestie, with advise of the Lordis of his Secrite Counsaill, haveing laitlie, upoun the sute and solistatioun of Sir Lauchlane M^{c}Intosche of Dunnauchtane, grantit unto him ane commissioun aganis Allane Camroun of Lochyell and his complices, rebellis, and at the horne for certane wrongis done be thame to the said Sir Lauchlane him selff, and his Majestie with advise of the saidis Lordis being nawyse of mynd or purpois that for the execu- Fol. 315, b.

[1] The entry is incomplete at the end. See Footnote on p. 467.

Decreta Nov. 1617-Nov. 1618.

tioun of this his Heynes commissioun he sould onywyse have distrest or troublit the cuntrey, bot that he sould have execute the same by his awne proper forceis, pouer, and freindschip, and be suche as voluntarlie and willinglie wald have joyned with him in that actioun, as he promeist unto his Majestie and the saidis Lordis, and as all commissionis grantit to privat personis in and for thair awne particulairis are commounlie execute: notwithstanding, it is of treuth that, the said Sir Lauchlane abuseing the pouer and auctoritie grantit to him be his Majesteis said commissioun, quhilk in that point and claus thairof concerning the concurrence wes no otherwyse consavit nor grantit be the saidis Lordis bot in simple and generall termes, importing onlie dew respect and reverence to be gevin to his Majesteis commissionaris, he undir culloure thairof hes most unlauchfullie, presumptuouslie, and arrogantlie usurpit upoun him that pouer and auctoritie quhilk is gevin to his Majesteis Lieutennentis send out with his Heynes royall airmey for repressing of some oppin rebellioun, in so fer as, be his awne warrandis and preceptis execute be Johnne Dingwall, messinger, at his command and directioun, he gaif wairning and chairgeis to the haill cuntrey, especialie to the said Lord Gordounis men of Lochquhaber and Badyenoche, to go fordwart with him with twenty dayis victuallis and provisioun in the executioun of that commissioun, and he appointit and designit unto thame tymes and placeis of thair meting in that same forme and maner as gif his Majesteis selff or his Heynes Lieutennent had bene present with thair airmey upoun the feildis. And in all this doing he had no uther drift, purpois, nor intentioun bot to mak the simple ignorant people foolischlie to apprehend and beleive that his Majestie and the saidis Lordis had establischet in his persone some grite auctoritie and jurisdictioun over thame, that consequentlie he micht draw thame undir a slavische thraldome and servitude to him and to participat with him in the executioun of all his privat querrellis and revengeis,—he in this meantyme being void of all purpois to have persewit the said Allane, as he maid his Majestie beleve that he wald do, and quhilk wes the cheif scoipe and end for the quhilk his Majestie grantit him that commissioun, as is evident by his packing up of all materis and contraversie betuix Allane and him and setling of all thair differenceis,—quhairin he hes done for him selff without respect of his Majesteis interesse." The Lord Gordoun has laid the case before the Lords, to know "gif this be a mater to be allowit and tollerat, that privat men cled with a naiked commissioun in thair awne particulair, quhairof the executioun is to be done by thair awne proper pouer, freindschip, and voluntair concurrence allanerlie, and no utherwyse, sall so presumptiouslie usurpe upoun thame suche a soverane pouer and auctoritie as to wairne the haill cuntrey to ryse in airmes with twenty dayis victuallis and provisioun, as is done in caises of publict rebellionis and be his Majesteis selff or his Lieutennentis."—The Lord Gordoun appearing personally, and defenders not appearing, the Lords order Sir Lauchlane and Johnne Dingwall to be denounced rebels.

Fol. 316, a.

Lochiel and his rebel-accomplices, and for misconduct and neglect of duty in the proper business of that Commission: Mackintosh, and his agent John Dingwall, put to the horn for non-appearance.

George Bowie and others against William Moir and others for assault near Forres.

Complaint by George Bowie in Mekill Bronchillis, Duncane Grant in Ballachragane, and Jonet Hay, his spouse, as follows:—While pursuers were going homewards from the burgh of Forres about 9 o'clock on the night of 24th June last, they were met by Williame Moir in Knokandoche, James McEane there, Johnne Moir there, William Kinzeoch, servitor to the said Williame Moir, Allaster McEane Veig in Knokandoche, and others, armed with swords, bows, targes, plaitsleeves, gauntlets, dirks, &c., who had been in hiding on the highway at Nether Blarie, and were attacked by them in a barbarous manner. George Bowie received three great sword and dirk wounds in the back, Duncane Grant three on the head, and his spouse, "being grite with chyld," was wounded "in the womb."—The said George Bowy appearing for pursuers, and the said James McEane being present, and the said Williame Moir appearing by Waltir Hay, servitor to Mr Robert Leirmonth, advocate, on account of the said William's ill-health, and the remaining defenders not being present, the Lords assoilzie the said James, because he has denied the charge on oath; they excuse the said Williame's presence on account of the "testimoniall" forwarded, and order him to appear on 3rd December next, and to find caution in £100 for indemnity of pursuers; and, further, they order the absentee defenders to be denounced rebels. Decreta Nov. 1617–Nov. 1618. Fol. 317, a.

Complaint by the magistrates of Dunfermline and Kirkcaldy that their burghs are put to unnecessary expenses by the Gentlemen of the Guard, who are in the habit of quartering upon them, and leaving in their prisons, arrested persons for whose custody and maintenance the burghs are not legally responsible.

Complaint by the provost and bailies of Dunfermlyne and Kirkaldy that "thay are verie havelie troublit be the Gentilmen of his Majesteis Guaird by chairgeing of thame to ressave frome the saidis Gentilmen of the Gaird suche personis rebellis as ar tane be thame in sindrie pairtis of the cuntrey and brocht be thame to the saidis townis." Supplicants are threatened with horning if they refuse, though the rebels are not taken within their bounds. The Gentlemen of the Guard "in comeing through thair townis, quhenas thay sould bring thir rebellis to the Tolbuith of Edinburgh, thay burdyne the saidis provestis and bailleis to tak thame af thair hand and to keip thame bot ane nicht; and then thay go away and leives thame with the saidis provestis and bailleis, drawing thame heirby to grite trouble, chairgeis, and expensis by intertenying nichtlie watcheis and gairdis." Some of the rebels, too, have no means to pay for their entertainment. The Gentlemen of the Guard "sould outher entir thame in the Tolbuith of Edinburgh, or in the tolbuith of the head burgh of the schyre quhair the rebellis are apprehendit. It is no reason that thay sould burdyne the saidis provestis and bailleis nor no uther inferioure burgh within the kingdome with the keiping of thame." To testify their obedience, supplicants promise to keep all rebels arrested by the Guard within the regality, provided caution be found for their expenses. They desire to be freed from the burden of other prisoners.—The Lords find that "the saidis supplicantis sould not be haldin to ressave frome the Gaird ony rebellis and to keip thame in thair wairdis, bot onlie suche rebellis as dwellis within the boundis of the said regalitie, or that are tane within the same, cautioun being fundin to the supplicantis for payment of thair chairgeis and expensis. And, as for uther rebellis brocht Fol. 317, b.

Decreta Nov. 1617–Nov. 1618.

and presentit unto thame be the Guard, that the supplicantis be no forder burdynit bot to keip thame xxiiij houris, that in the meantyme the Gaird may haif the occasioun to tak thame af the saidis supplicantis handis agane and to carey thame quhair thay think guid; and that thay sall not ressave fra ony officer of airmes ony rebellis unles cautioun be fundin to thame for payment of thair chairgeis, dischairgeing the company of the Gaird of all troubling of the saidis supplicantis utherwyse and of thair officeis in that pairt." And, "whereas the lairdis of Skeddowy, eldair and younger, and the laird of Cardoun, are now in waird in the tolbuith of Kirkaldy, who wer brocht to the saidis magistratis of Kirkaldy be the Gaird, and whome thay are constraynit to watche and gaird nichtlie," the Lords give order to the said bailies to transport the said rebels to Edinburgh, and to deliver them to the provost and bailies, to be detained by them at their own expense in the Tolbooth of Edinburgh till relaxed from their hornings. The bailies of Kirkaldy shall also deliver a note of the said hornings to the magistrates of Edinburgh. The Lords also order the said Magistrates of Edinburgh to receive the said rebels from the bailies of Kirkaldy.

Caption against Helen Hepburn for debt to Sir Patrick Hepburn of Wauchton.

Complaint by Sir Patrik Hepburne of Wauchtoun, knight, that Helene Hepburne, relict of George Hepburne of Elstanefurd, remains unrelaxed from a horning of 14th June 1617 for not paying the profits for five years of the lands of Elstanefurd occupied by her, together with £25 of expenses. —Pursuer appearing by Andro Adamsoun, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize her houses, and inventory her goods for the King's use.

Fol. 318, a.

Caption against George Turnbull of Belchies and Andrew Turnbull for debt to Andrew Scott of Aikwood.

Complaint by Andro Scot, now of Aikwood, son and heir of the late Robert Scot of Aikwood, and Sir Johnne Murray of Phillophauch, knight, Sir Robert Scot of Schillinglaw, Andro Scot, surgeon, burgess of Edinburgh, Philp Scot of Dryhoip, and Robert Scot of Drywodmylnes, his curators, that George Trumble in Belcheis and Andro Trumble there

Fol. 318, b.

remain unrelaxed from a horning of 8th September last for not paying to him, "equalie betuix thame," the profits of the lands of Belcheis called Hathornerig for 1616 and 1617, together with £10 of expenses and 40s. as collector's fee.—Pursuers appearing by Mr Williame Scot, and defenders not appearing, the Lords give order as above.

Caption against Sir John Dunbar and others for debt to Catherine Young.

Complaint by Catherine Young, daughter of the late Mr George Young of Wilkisholme, that Sir Johnne Dumbar of Mochrum, knight, Alexander

Fol. 319, a.

Dumbar, his son and heir, and Johnne Dumbar of Monyweik remain unrelaxed from a horning of 5th August last for not paying 2000 merks of principal and £200 of expenses.—Pursuer appearing by Alexander Dowglas, macer, and defenders not appearing, the Lords give order as above.

Caption against James Murray of Strowan for debt to Patrick Menzies.

Complaint by Patrik Menzeis, son and heir of Robert Menzeis of Comrie, that James Murray of Strowane remains unrelaxed from a horning of 5th August last for not paying £80 as a part of the yearly duty of £160 due to him for 1615, and the said yearly sum for 1616, 1617, and

half for the 1618, together with £8 of expenses for each term.—Pursuer appearing personally, and defender not appearing, the Lords give order as above. Decreta Nov. 1617–Nov. 1618. Fol. 319, b.

David Fiddes against William Tod and others for assault near Restalrig.

Complaint by David Fiddes in Hill, as follows:—On 11th October instant, pursuer, while going home from the town of Restalrig, was met on the highway at the Foull Briggis by William Tod, son of Patrik Tod in Edmestoun, Adame Bell, servitor to Andro Young there, David Johnnstoun there, Thomas West there, James West in Nudrie, Robert Baderstoun, son of James Badirstoun there, all armed, and was cruelly assaulted. Fol. 320, a. He received six or seven wounds in his head and face.—Pursuer appearing personally, and defenders, except Williame Tod and Thomas West, being present, the Lords assoilzie defenders, because pursuer has failed to prove the charge.

Submission of the feud between the MacLellans and the Gordons of Lochinvar.

This day appeared Robert M^{c}Clellane of Nuntoun, for himself and Thomas M$_{c}$Clellane, his brother, on the one part, Johnne Gordoun, natural Fol. 320, b. son of Sir Robert Gordoun of Lochinvar, knight, on the other part, and Niniane Heroun in , on the third part, and submitted their feud to the decision of the Lords of Privy Council. The Lords, having heard parties, and understanding that the quarrel "proceidit upoun a suddentie," order them to be reconciled and to join hands. The said persons did accordingly, and promised to keep their friendship inviolate, "undir the pane of perjurie, infamye, and tinsaill of perpetuall credite, honnour, and estimatioun in tyme comeing."

Commission to Lord Fleming for the trial of William Scott for the murder of William Hay.

Commission under the Signet, signed by the Chancellor, Wintoun, Binning, and Sir William Oliphant, is given to Johne, Lord Flemyng, to try William Scot in Donaven; who, after remaining unrelaxed for some time from a horning of 15th February 1617 at the instance of Agnes Baird, relict, Williame and James Hay, sons, Barbara Hay, daughter, and the remaining kin, of the late William Hay in Thomastoun, for having failed to find caution for his appearance to answer the charge of having murdered the said Williame, has been apprehended by the said Lord Flemyng, and is at present in his keeping. Commissions. Fol. 64, a.

Lairds of the Campbell Clan.

"Chairge aganis the gentilmen of the name of Campbell to compeir befoir the Counsell the first Counsell day of Februair." Sederunts. Fol. 28, b.

Acceptance by Lord Gordon of the Commission against young MacRannald.

Lord Gordoun appears and accepts the foresaid commission against young M^{c}Rannald (*ante*, p. 456), promising to take him and exhibit him or slay him before 1st March next, "and, failyeeing that, that he sall putt and hald him oute of the haill boundis of Badyenauch and Lochquhaber and otheris boundis of the schirefdome of Innernes, and salbe ansuerable thairefter to his Majestie and pairtyis sustening skaith for the haill wrongis that he sall committ after the said day."

Edinburgh, 3rd November 1618.

Sederunt—Chancellor; Bishop of Glasgow; Viscount Laderdaill; Lord Flemyng; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsyth; Ridhouse; Medop; Curriehill; Sir George Erskine; Foistersat; Sir Andro Ker. Decreta Nov. 1617–Nov. 1618.

Decreta Nov. 1617-Nov. 1618. Fol. 321, b.

Mr. James Stewart of Tullos against Thomas Lyon and others for assault in Brechin.

Complaint by Mr James Stewart of Tullois, as follows:—When pursuer was in the town of Brechin on last, he was set upon by Thomas Lyoun, son of the late Sir Thomas Lyoun of Auldbar, knight, Alexander Levingstoun, son of James Levingstoun in Brechin, Patrik Barclay there, Thomas Johnnstoun there, and others, all armed. They "dang him to the eard upoun his bak, and hurte and woundit him in sindrie pairtis of his body."—Pursuer appearing personally, and defender not appearing, the Lords order defenders to be denounced rebels.

Fol. 322, a.

Liberation of John Kennedy, notary in Aird, on new caution.

This day appeared Johnne Kennedy, notary in Aird, for obedience of the act whereby Johnne M'Cubine of Tradonok became cautioner for him; and the Lords, finding no reason why he should be detained longer in the burgh, grant him liberty to go home, and then free the said Johne M'Cubine of his cautionry. They order the said Johnne Kennedy to find new caution in 300 merks to appear before them or the Lords of Council and Session or the Justice General and his deputes, whenever he shall be called upon to do so.

Fol. 322, b.

Prosecution of a number of persons for illegal import and sale of tobacco.

Complaint by the King's Advocate that Johnne Andirsoun, Andro Andirsoun, Robert Watsoun, Duncane Kay, Williame Hammiltoun, Adam Patirsoun, Robert Patirsoun, Johnne Dykis, Johnne Sanderis, Johnne Pourie, Johnne Brysoun *alias* M'Preist, Johnne Keir, Williame Ryoche, David Duff, and Issobell Ruthven, burgesses of Perth, have contravened the act anent the inbringing and selling of tobacco. Each defender is charged with having sold 10 stones at 16s. the ounce.—Pursuer appearing, and defenders not appearing, the Lords hold the offence as confessed, and order the confiscation of the prices of the said quantities.

Fol. 323, a.

Archibald Newton of that Ilk against Lady Yester and her husband Sir Andrew Ker of Oxenham, for an allowance for his support in the Tolbooth of Edinburgh, where he has been confined for the last three months for assault on William Dods.

Complaint by Archibald Newtoun of that Ilk, as follows:—On July last pursuer was committed by the Lords to the Tolbooth of Edinburgh at the instance of William Dodis in Newtounhall. He has spent the time "to his grite hurte and miserie and without ony meanis to interteny him selff, bot so fer as the jayloure, upoun courtasie and upoun the said complenairis simple and naiked promeis of satisfactioun and payment to be maid to him, hes furnist him." The jailer, "now persaveing that the said complenairis promeis is liklie to prove fruitles unto him," has informed him that he cannot supply him any longer. Dame Margaret Ker, Lady Yester, and Sir Andro Ker of Oxnahame, her husband, have the full intromission with pursuer's estate by virtue of a tack set by him to the late James, Lord Yester, and Dame Margaret Ker, his spouse,—"the langest leivair of thame tua"—upon trust, and upon "thair promeis to bestow his haill rent to the complenairis awne behoof." Defenders, however, "being full handit with the said complenairis estaite, and finding the sweit thairof," are so careless that they "will not acknowledge him of a penny, nor supplie his necessitie and want in a joyt; quhilk being a mater verie fer aganis these commoun dewteis of respective consideratioun quhilk in this caice thay sould carye to the said complener, it being knowne unto thame that he is not debtfull unto thame in a penny, the said complenair hes acquentit the Lordis of Prevey Counsaill thairwith."

Moreover, pursuer is certain that, had their Lordships been "trewlie informed of the simple treuth and circumstanceis" of the assault (*ante*, p. 414), they would not have censured him "in suche a hard degrie." The fact is "that this Dodis, being put in be the said Lady Yester to be a fermorair of the said complenairis mains of Newtoun, begane altogidder to disdane and contempne the said complenair, and in end within his awne house pat violent handis in his persone and threatned his lyff; quhairupoun the said complenair, in his awne just and lauchfull defence in withstanding his insolence, hurte him,—for the quhilk the said complenair hes bene this quarter of ane yeir bigane miserablie detenit in waird."—Pursuer appearing, and Dame Margaret appearing by her said husband, and William Dodis being also present, the Lords order Sir Andro and his wife to pay pursuer 20s. for each day he has been in ward, and 13s. 4d. daily during the rest of his imprisonment. Decreta Nov. 1617–Nov. 1618. Fol. 323, b.

Sheriffships of Edinburgh, Haddington, Berwick, Dumbarton, and Dumfries.

This day the following persons appeared and accepted the sheriffships underwrittin:—David Creightoun of Lugtoun, Edinburgh principal; Sir Patrik Hepburne of Lufnous, knight, Constabulary of Hadingtoun; Sir Patrik Chirnesyde of Eist Nesbitt, Berwick; Douglas of Pumpharstoun, Lynlythgow; Buquhannane of Drummakeill, Dumbartane; and Robert Creichtoun of Ryhill, Drumfreis. The said persons gave their oath to "use thair saidis officeis deutifullie." Sederunts. Fol. 29, a.

Weights and Measures.

"Proclamatioun anent weyghtis and measowris."

Lord Fleming and Forrester of Garden.

This day appeared Johnne, Lord Fleming, and obliged himself to present Forrester of Gardene before the Lords of Council and Session on 6th November, and, failing that, to enter him in the Tolbooth of Edinburgh the said day, under pain of paying the sums of money due by the said rebel to Johnne Erskine of Muretoun.

Edinburgh, 4th November 1618. Commission for the trial of John Scott.

Commission signed by the Chancellor, is given to Mr Robert Fairlie, advocate, to try Waltir Scot, son of Johnne Scot in Newark, on the charge of having mutilated Adam Dalgleische, son and heir of Johnne Dalgleishe of Deuquhair (*ante*, p. 453). The parties have come to Edinburgh, but the Justice Depute "upoun sum occasionis is not come heir." Commissions. Fol. 64, b.

Whitehall, 7th November 1618. Order for a Commission to the Duke of Lennox, the Marquis of Hamilton, Lord Binning, and Sir George Hay, for consideration of the business of the rights of the Estates General of the United Provinces to

His Majesty orders a commission under the Great Seal to be given to the Duke of Lennox, Admiral, James, Marquis of Hammiltoun, Lord Binning, and Sir George Hay, or any two of them, to treat with the Commissioners sent by the States General of the United Provinces of the Low Countries "anent the tryall and verificatioun of the richtis, immuniteis, and previledges allegeit grantit be his Majestie or ony of his most noble progenitouris, Kingis of Scotland, to the saidis Estaitis Generall of the United Provinceis, or ony otheris frome quhome thay deduce and derive thair clame, to fische in the seas of the said kingdome of Scotland or ony pairt or place thairof, and anent the injureis alledgeit done be ony of the subjectis of the saidis Estaitis to ony of his Majesteis subjectis of his said kingdome upoun the saidis seas or upoun the coast or land of the samyn Fol. 66, a.

Commissions.

kingdome, and quhat redres and reparatioun salbe maid for ony offence of that kynd, being orderlie tryed, and quhat course salbe heirefter prescryvit for forbearance of any unlawfull proceiding be the saidis Estaitis, ather be fischeing in his Majesteis Scotis seas or committing any thing upoun the coast and land of the same whiche may tend to the injurie and prejudice of his Majesteis subjectis of the samyn. As lykewyse to concur with the Commissionairis appointit be his Majestie for his Heynes kingdome of England in thair treatie anent the freindlie behaviour of the subjectis of the saidis kingdomes and of the saidis Estaitis in all utheris seas, fischeingis, voyageis, and uther foreyne intercourse necessarie for the continewance of peace and amitie betuix his Majestie and his subjectis of the saidis kingdomes and these of the United Provinceis, and to determine and finalie conclude all and quhatsumevir they sall find lawfull, necessar, and expedient" (*cf. ante*, p. 439, and entries for June 1619).

fishing in the Scottish Seas, with powers to concur with certain English Commissioners, and to decide on the necessary arrangements.

Decreta Nov. 1617-Nov. 1618. Fol. 324, a.

Sederunt—Chancellor; Treasurer; Lotheane; Lawdirdaill; Lord Erskine; Carnegie; Treasurer-Depute; Privy Seal; Justice Clerk; Advocate; Ridhouse; Medop; Sir George Erskine; Curriehill; Marchinstoun; M^r^ Petir Rollok; Foistersait; Sir Andro Ker; Conservator.

Edinburgh, 10th November 1618.

Complaint by the King's Advocate and M^r^ Donald Campbell of Parbrek, as follows:—M^r^ Donald, who has held the lands of Sowart and Ardnamurchine for a number of years, was informed that Johnne M^c^Donald M^c^Allane V^c^Eane of Ylantyrum, Captain of the Clanronnald, intended last Whitsunday to dispossess him by violent means. Pursuer thereupon "meanit" himself to the Council, and obtained a letter ordering defender to forbear, and to plead his case, if he had any, in the courts of law. Defender, who might have been expected, considering his tender years, to have acted obediently, was "so fer steirit up with anger and malice against the said M^r^ Donald, for that he durst presome to mak ony complaint of him to the saidis Lordis, that he resolved to put in executioun quhatevir formarlie he had thocht upoun aganis him." Accordingly on 27th, 28th, and 29th May last he gathered together Donald M^c^Eane in Fol. 324, b. Ormesag, Johnne, Angus, and Archibald M^c^Eane, his sons, Donald M^c^Neill V^c^Conill Geir in Glenbeg, Donald M^c^Angus V^c^Eane in Ardsleignes, Alexander M^c^Ronald V^c^Eane in Camisnagald, Alexander M^c^Innes V^c^Eane in Girgodill, Dougall M^c^Gillivorie there, Angus M^c^Coneill V^c^Angus in Auchinha, Angus M^c^Coneill Oig there, Donald Glas M^c^Eane Vane in Phesodill, Donald Roy M^c^Taves in Surdill, Rorye M^c^Gillimichaell there, Allane M^c^Allane V^c^Persone in Ochill, Ewne M^c^Lauchlane V^c^Coneill Geir in Glenbeg, Johnne M^c^Coneill V^c^Eane Roy in Gledewricht, Donald M^c^Eane V^c^Allaster in Glenmilladill, Donald Roy M^c^Gillivoriche in Ardstank, Rorye M^c^Eane V^c^Connell in Anahet, Donald Dow M^c^Gillimartene Roy in Rannachanmoir, Ewne M^c^Finla V^c^Gillene in Kilchoan, Johnne M^c^Finla, his son, and others, to the number of two hundred, all carrying

Mr. Donald Campbell of Parbreck against the Captain of Clanranald for violent intromission with his lands of Sunart and Ardnamurchan, convocation of men in arms for that purpose, and assault and depredation on his tenants.

arms, including hagbuts and pistollets, and sent them, with "grite pypis blowing afore thame," to pursuer's lands of Achaterie in Ardnanmurchine, and to the dwelling houses of Gilleane M^cIloure and Johnne M^cKinla, his bowmen and servants. They assaulted them and their families, and took away all the "insicht" of the said houses. Not content with this, they went to the lands of Tarbat in Sowart, where they committed a similar assault on Johnne Reoche M^cSoirle V^cEwir, pursuer's tenant, and his family. They carried off their plunder to the lands of Moydert, where they divided it amongst themselves. On the same occasion they chased Neill M^cSoirle, brother of the said Johnne Reoche, and fired hagbuts at him. Thereafter they went to the lands of Lagre and Ardnamurchine and to the lands of Respoll in Sowart, attacked pursuer's servants, and "intrometit with the haill guidis and geir being upoun the ground of the saidis landis."—Pursuers appearing personally, and defenders not appearing, the Lords find the charges proven, and order letters to be directed charging the Captain of Clanrannald, personally or at his dwelling place, and his accomplices by open proclamation at the parish kirks of Killichonall and Ylansmell and at the market cross of Innernes, "becaus thay ar brokin hieland men and hes no certane nor knawin dwelling placeis," to enter their persons within the Tolbooth of Edinburgh, and to remain there at their own expense during their Lordships' pleasure.

Decreta Nov. 1617–Nov. 1618.

Fol. 325, a.

Fol. 325, b.

Caption against James Dempster for debt to John Elphinston of Shank.

Complaint by Johnne Elphinstoun of Schank that James Dempster, brother and heir of the late Johnne Dempster of Knokleyth, remains unrelaxed from a horning of 29th April last for not paying 700 merks of principal and 100 merks of expenses.—Pursuer appearing, and defender not being present, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Fol. 326, b.

Caption against Sir James Crichton of Ruthvens for debt to Archibald Primrose.

Complaint by Archibald Prymrois, writer, that Sir James Creichtoun of Ruthvenis, knight, remains unrelaxed from a horning of 19th October instant for not paying £2172 of principal and £200 of expenses, together with annualrent amounting to £216, 13s.; also from a horning of 22nd October instant for the said sums; also from a horning of 19th October for not paying £63 of principal and £10 of expenses; also from a horning of 22nd October for the said latter sums.—Pursuer appearing by Alexander Douglas, macer, and defender not appearing, the Lords give order as above.

Dame Margaret Cairncross, widow of Sir William Hart, late Justice-Depute, against her son John Hart for violence and threats.

Complaint by Dame Margaret Cairnecorce, relict of Sir William Hairt of Prestoun, Justice Depute of this kingdom, as follows:—Johnne Hairt, her eldest son, has begun most heavily to vex and molest her and her servants. On 2nd instant, he went to her house of Prestoun, entered violently, and with a "foir hammer" broke up the door of a room where pursuer's coffers and chests were standing locked for the time. He took away a coffer containing certain writs and other "guidis and geir." He threatened her servants with a drawn whinyer, vowed that he would burn down her barn and barnyard and "cutt hir plewis in peeceis," and passed

Fol. 327, a.

Decreta Nov. 1617-Nov. 1618.

to her "coilpottis" with the intention of striking her colliers and servants who were working thereat.—Both parties appearing, pursuer declares "that, for the naturall respect and love quhilk scho careyed to hir said sone, scho wes content to pas fra hir persute, and desyrit onlie that scho micht have cautioun of hir sone for hir indempnitie in tyme comeing." The Lords order the said Johnne Hairt to find caution in the sum of £1000.

Commissions. Fol. 67, a.

Licence under the Signet to Alexander, Bishop of Murray, "to eatt flesche upoun Weddnisdayis, Frydayis, and Settirdayis, and in tyme of Lentrone, in tyme comeing dureing his lyftyme," as the Lords are informed that he "is subject to divers diseasis, sua that his complexioun aggreis not to feid upoun fische." Signed by the Chancellor and Mar. Licence to the Bishop of Moray to have meat-diet during Lent.

Decreta Nov. 1618-Feb. 1620. Fol. 2, a.

Sederunt—Alexander, Earl of Dunfermeline; Johnne, Viscount of Lauderdaill; David, Lord Carnegy; Alexander, Master of Elphinstoun; Sir Richart Cokburne of [Clerkintoun, knight, Lord Privy Seal]; Sir Gedeone Murray of Elibank, Treasurer-Depute; Sir Johnne [Cokburne] of Ormistoun, [Justice Clerk]; Sir Williame Oliphant of Newtoun, Advocate; Sir Alexander Drummond of Medop; Sir Andro Hammiltoun of Ridhous; Sir Williame Levingstoun of Kilsythe; Sir Archibald Naper of Marchinstoun; Sir Alexander Hay of Foistersait; Sir Andro Ker of Oxenhame; M[r] Petir Rollok of Piltoun.[1] 12th November 1618.

Sederunts. Fol. 29, b.

"An act anent the laying up of moneyis in his Majesteis cofferis." King's coffers.

"Ane act anent the rewairding of some personis that attendit his Majesteis service the tyme of his heirbeing." Rewards for attendance on his Majesty.

"The mater anent the navigatioun and frauchting of strangearis shippis continewit to the first Counsall day of Februair." Foreign ships.

Decreta Nov. 1618-Feb. 1620. Fol. 2, b.

Complaint by Gilbert Broun, servitor to M[r] David Wairdlaw of [Killernie], as follows:—On 1st instant, when pursuer was going to bed, after supper, in the dwelling house of Robert Schorteous, tenant to the laird of Sawling, where he was lodging for the time, Johnne Westwood, servitor (?) to George Mylne in Knok, and Johnne Killock, servitor to . . . ., elder in Halcroft, on the one part, and Johnne B[lake], "bairner" in Cultmylne, on the other, came to the said house and began to quarrel and to fight. Pursuer attempted to make peace, but was assaulted by the said John Killock and Johnne Westwood.—Pursuer appearing personally, and defenders not appearing, the Lords order the said Johnne Westwood, Johnne Kellock, and Johnne Blake to be denounced rebels. Gilbert Brown against John Westwood and others for assault.

Complaint by Johnne Weymes of Craigtoun, as follows:—Pursuer had advanced money to David Kyninmonth of Craighall "for relief of his credite, and supplie of his important effairis and bussynes," and thereafter paid some large debts "for the quhilk he gaif the said complenair securitie John Wemyss of Craigtoun against David Kininmonth of Craighall and others for

[1] The *Book of Sederunts* adds *Conservator.*

molestation and trespass.

and infeftment of the landis of Kyninmonth and Craighall with the pertinentis. And, he being all the tyme prisonner in the Tolbuith of Edinburgh, the said complenair wes so fer miscareyed with a preposterous affectioun towardis him that he could not rest nor have no contentment till he relevit him of the said waird." This he did in August last. Defender has, however, shown little gratitude, and has used "his haill wittis" to annoy him. On a certain day he, with Marie Seatoun, his spouse, and Patrik, David, Johnne, and James, his sons, and David Seytoun, son of the late laird of Parbroith, brought a large number of "bestiall" to pursuer's "hayned girs" and kept them there till they had done great harm. In August and September last they took away a quantity of his peats to the said David's lands of Callinche. During these months they so hunted in pursuer's "cunnyng-airis," and so damaged his "dowcatis," that he has now neither rabbits nor pigeons. In October they threatened his tenants on [Kyninmonth] and Craighall, and ordered them not to work for him.—Pursuer appearing personally, and David Kyninmonth appearing by Patrik [Bruce], who produced a testimonial of ill-health under the hand of Mr David . . . [minister] at Sereis, and David Philp, Doctor of Medicine, and other defenders not appearing, the Lords continue the case of the said David Kyninmonth till 26th instant, on condition that he find caution before the 19th instant for indemnity of pursuer in 3000 merks. The Lords order the other defenders to be denounced rebels.

Decreta Nov. 1618–Feb. 1620.

Fol. 3, a.

Fol. 3, b.

Warrant for the liberation of John Stoddart and James Young from the Tolbooth of Edinburgh.

This day appeared Alexander Clerke, one of the bailies of Edinburgh, and gave in the following letter to be registered for the better "securetie and wairand of the burgh of Edinburgh."—"Provest and baillies of Edinburgh. Whereas Johnne Stoddart and James Young, present wairdouris of your Tolbuith for the slauchter of umquhile Thomas [Mark in Scheillis ?], hes now gevin assythment and satisfactioun to the pairtie for that unhappie slauchter and hes procureit . . . remissioun thairupoun, these ar thairfore to command yow that at the sicht heirof yow put the saidis Johnne Stoddart and James Young to libertie and fredome and suffer thame pas quhair [thai pleis as his] Majesteis frie liegeis. Quhairanent thir presentis [salbe ane] wairand sufficient. Gevin at Edin[burgh] the . . . 1618."

Fol. 4, a.

Edinburgh, 12th November 1618.

Commission to the Earl of Menteith for the apprehension and trial of Dugald Grahame, notorious for his sorning and lawlessness in the Highlands.

Commission under the Signet, signed by the Chancellor, Mar, Laudirdaill, and Carnegye, is given to , Earl of Menteith, to apprehend and try Dougall Grahame, son of George Grahame of Rednik, who, "haveing schaikin af all feir of God, reverence of the law, and regaird of honnestie and these commoun dewteis of civile conversatioun quhilkis becometh a man of his birth and parentage," has "become a commoun, violent, and maisterfull soirnair and oppressour, and a commoun theif, and gois athorte the cuntrey of Menteith as a brokin man, airmed with hagbutis, pistolletis, and other airmour; and in all pairtis quhair he may be maister he not onlie soirnis and oppressis our guid subjectis, bot

Commissions. Fol. 65, a.

Commissions. filthilie deflores honnest menis wyffis, dochteris, and servandis, lyis at await in hie wayes and passageis, and spoyllis and robbis suche passingeris as he may overtak." And, whenas "by strong hand and stouthreif he is not able to come to his intent, he then commitis prevey stouthes, and be all his actionis he careyis him self so insolentlie as gif he wer not subject to law nor justice; and he is now the most notorious lymmair and brokin man in all the heylandis, and dois quhat in him lyis to allure otheris young and insolent personis to brek louse and to joyne with him in his lawles and thevische doingis."

Commission to Lord Keith for the trial of Marjory Pyper and others for murder.

Commission under the Signet, signed by the Chancellor, Sir William Oliphant, Privy Seal, Justice Clerk, and Sir A. Drummond, is given to William, Lord Keith, and his bailies to try Marjorie Pyper, spouse of the late William Murray in Innerugie, Issobell Pyper, spouse of William Wobster in Rothnachie, Johne Wobster, her son, and Thomas Pyper, son of Johnne Pyper in Torterstoun, who were arrested red-hand after the murder of the said William Murray by night in his own house, and are at present in custody of the said Lord Keith.

Sederunts. Fol. 29, b.

Sederunt—Chancellor; Lauderdaill; Bugcleugh; Privy Seal; Justice Clerk; Advocate; Kilsaythe; Medop; Sir George Erskine; Curriehill; Marchinstoun; M^r^ P. Rollok.

Edinburgh, 15th November 1618.

Acta Sept. 1617-July 1620. Fol. 155, a.

"... .[1] aganis the [estaite] and religioun: Thairfore his Majestie, with advyse of the Lordis of Secreit Counsall, hes revoked, recallit, annullit, and dischargeit, and be the tennour heirof revokis, recallis, annullis, and dischargeis, the licence foirsaid grantit be the Kingis Majestie to the said Earle of Argyll for his depairting and passing furth of his Majesteis realmes and dominionis, and ordanis the said licence to have no strenth, effect, nor executioun heirefter; and ordanis letteris to be direct chargeing officeris of armes to pas to the mercat croce of Edinburgh [and] peir and schoir of Leyth, and thair be oppin proclamatioun mak publicatioun of the re[calling] and dischargeing of the said licence, and to command and charge the said Erle, be oppin proclamatioun at the mercat croce of Edinburgh and peir and schoir of Leith, Striviling, Dumbartane, and Inner [ara], upoun thriescoir dayes warneing, becaus he is presentlie furth of the realme,—quhilk charge his Majestie with advyse foirsaid de[clairis] to be als lauchfull as gif he wer personalie apprehendit,—to returne within this kingdome within the said space of thriescoir dayes, and to compeir personalie befoir the saidis Lordis upoun the day of Februair nixttocum, to answer upoun the premisis particularlie abonewrittin, and to underly suche

Proclamation, by his Majesty's command, revoking the licence given to the Earl of Argyle for his residence abroad (said Earl having now abjured the Protestant Religion in his absence in foreign parts, and having associated himself there with the proclaimed traitor-exiles Sir James Macdonald and old Mac-Rannald), and summoning him to return and appear before the Council to answer for his conduct under

[1] One or more leaves seem to have been lost at this part of the Register. The present entry anent the Earl of Argyle is incomplete, and is dated "Nov. 1618," in a later hand, at the top left-hand corner. The date in the margin is supplied from the *Book of Sederunts*.

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the pain of treason.

ordour and tryell thairanent as the saidis Lordis sall think [meete] and expedient, under the pane of treasoun; with certificatioun to him, and he failyie, he salbe reputt, haldin, and persewit as [a] traytour, and the pane of treasoun salbe execute upoun [him] without favoure.—Followis his Majesteis letter for the warrand of the act abonewrittin.—Right trustie and right weilbelovit cousen and counsellour, and right trustie and weilbelovit counselloris, wee greete yow weill. None of yow ar ignorant that monie yeiris ago, wee commandit yow [not] to permitt the Earle of Argyll to come out of that our kingdome till first he sould appoynt some man of authoritie and pouer to be ansuerable in his absence for the peace and goode ordoure of the inhabitantis of that pairt of our kingdome for which, pairtlie as landislord, and pairtlie as schireff and officer, he sould be ansuerable. And yee, our Chanceler, and the Erle of Mar, our Treasaurer, can remember how heichlie we wer offendit with the said Erle, at your being with us at Roystoun, for his neglecte of that dewtie at that tyme; whereby we wer perswadit that . . . . . deulie performed by him befoir his last comeing frome thence, and so, being voyd of all suspitioun of that omissioun of his dewtie and your care, wee wer easilie induced to grant to him our licence to go beyond the seas, the rather becaus he pretended his desyre of cure of some bodylie infirmitie by the wateris of the Spa to be the only caus of his craveing licence and scheort entended absence. And, albeit your diligence of laitt in pressing his freindis to undertak the charge of that pairt of the cuntrey dureing his absence dothe in some sort supplie your former neglecte, yit, we haveing laitlie understude that since his obtening oure said licence he hathe maide avowed defectioun frome the trew religioun and gone publictlie to the masse, and withall is not secreitlie reconceilled bot oppinlie enterrit in verie professed freindschip and suspitious dealing with our proclamed tratour Sir James M$_c$Donald and olde M$_c$Ronnald,—thairfoir it is oure speciall pleasour that with all possibill diligence yee by oppin proclamatioun at the mercatt croce of Edinburgh and schoir and peir of Leyth revoke, discharge, and annulle oure said licence granted to the said Erle to depairt out of our dominionis, and that ye caus ordourlie charge him under the pane of treasoun to returne, within thriescoir dayes warneing efter the publicatioun of the said charge, into that oure kingdome, and thair compeir befoir yow of our Privie Counsall the first lawfull day efter the expiratioun of the said thriescoir dayis, to ansuer for his intercommouning with our said traitoris M^{c}Don[ald] and M^{c}Ronald, under the panes afoirsaid; with certificatioun that, gif he faill, the said panes of treasone salbe executed against him; and that ye command oure Advocat to sie all the premisses so p[erfectlie] directed and performed as to his office and dewtie appertey[nis]. Whairin expecting your cair and diligence, with a spedie . . of your proceidingis, wee bid yow fairweill. Gevin [at oure] Pallace of Quhytehall, the seaventh of November, 1618."

Acta Sept. 1617–July 1620.

Fol. 155, b.

Fishing by the Hollanders in

"Commissioun to the Duke of Lennox, the Marques of Hammiltoun,

Sederunts. Fol. 29, b.

Sederunts. the Lord of Binning, and Clerk of Register, or ony tua of thame, to deale with the commissionaris for the Esteatis anent thair fischeing in his Majesteis watteris," (*cf. ante*, p. 462). Scottish waters.

Fol. 30, a.

Sederunt—Chancellor; St. Androis; Laudirdaill; Carnegye; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsyth; Ridhous; Medop; Curriehill; Sir George Erskine; M^r^ P. Rollok; Marchinstoun; Sir Andro Ker; Conservator. Edinburgh, 17th November 1618.

"Ane act and warrand anent the Marques of Hammiltonis precept" (See p. 470). Marquis of Hamilton.

Decreta Nov. 1618–Feb. 1620. Fol. 4, a. Complaint by Johnne Rottray, "Scottisman, indwellair in Norroway," as follows:—Pursuer, having returned for a time to his native country, and being within the burgh of Dunbar, was wrongously arrested by the bailies and committed to the tolbooth.—James Baillie, provost of Dumbar, and James Kirkwood, bailie of Dumbar, appearing and exhibiting pursuer, declared that pursuer had been arrested by Alexander Corsbie, bailie, at the command of James Deanis, messenger. To which pursuer replied that the warrand was unlawful, as it "maid no mentioun of ony pairtie at whose instance the said Johnne sould be wairdit, nor yit of ony caus quhairfore he sould be wairdit."—The Lords sustain pursuer's plea, and order defenders to set him free. John Rottray against the provost and bailies of Dunbar.

Fol. 4, b.

Fol. 5, a. Complaint by John Spens, fiar of Boddome, as follows:—On Sunday, 9th August last, pursuer went to sermon at the kirk of Inche. George Gordoun, son of Johnne Gordoun of Newtoun, Richart Gordoun there, Johnne Gordoun in Scottistoun, Patrik Duncane there, George Forbes there, and Alexander Gordoun there, who were all armed, went thither also, and threatened pursuer in the kirkyard and within the kirk, to the serious interruption of the service. On August, the said Johnne Gordoun in Scottistoun lay in wait for pursuer and committed a cruel assault upon him. The said persons have from June to September gone about armed. They have "gone athorte" his corn at Carnestoun in order to provoke pursuer's anger, and so find cause to slay him.—Pursuer appearing personally, and the said Johnne and George Gordoun being also present, but the others not appearing, the Lords assoilzie defenders on all points, because they have denied the charges on oath, and because the Lords do not consider a "certificat frome the minister and elderis of the parroche kirk of Inche bearing that the said George Gordoun utterit some threatening and minassing speitcheis aganis the said Johnne Spence in the kirkyard of Inche" to be "sufficient probatioun for preving of the pointe abonewrittin of the said complainte." The Lords excuse the absence of Richart Gordoun on account of his "infirmitie and seiknes," and order the absentee defenders to be put to the horn. John Spence of Boddam against George and John Gordon and others for assault and threats.

Fol. 5, b.

Fol. 6, a.

Complaint by the foresaid Johnne Gordoun of Scottistoun, as follows:— When he was coming out of the kirk of Inche on the foresaid day, he was followed and attacked in a most cruel manner by Johnne Spence, Counter-complaint by John Gordon of Scotstoun

against the said John Spence.

apparent of Boddum, and Johnne Leslie of Largie. On another day in August, defender and his accomplices entered the dwelling house of James Barroun in Rottenborg, where pursuer was for the time, and committed a fierce assault upon him with daggers; thereafter they assaulted him at the town of Scottistoun, chased him to the town of Malingsyde, two miles distant, and "housit" him in the dwelling of Williame Gordoun. Upon several nights defender, accompanied by Johnne Leslie of Largie, Alexander Spence of Boddum, Paull Spence, apparent of . . oche, Thomas Ardes in Cairnestoun, Andro Grant there, and Alexander Mylne in Lairgie, have gone armed to pursuer's house at Scottistoun, broken the doors, and searched for him in order to kill him.—Pursuer appearing personally, and the said John Spence appearing for himself and the said Johnne Leslie, and pursuer having passed from the charge of assault at the kirk, the Lords assoilzie defenders, because they have denied the charges on oath. The Lords order the said Johnne Spence and Johnne Gordoun to find lawburrows within 48 hours, the former under the pain of £1000, the latter under the pain of 500 merks.

Decreta Nov. 1618-Feb. 1620. Fol. 6, b. Fol 7 a.

Edinburgh, 19th November 1618.[1]

Sederunt—Chancellor; Wyntoun; Lotheane; Lauderdaill; Bugcleuch; Cranstoun; Carnegye; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsythe; Ridhous; Medop; Inn[erteill]; Cu[rriehill]; M[r] P. [Rollok]; Sir A[ndro Ker]; Conservator.

Acta Sept. 1617-July 1620. Fol. 155, b.

Warrant for the payment to the Marquis

His Majesty having directed a precept and warrant for £3000 in favour of the Marquis of Hammiltoun, to be paid out of the royal rents or

[1] On the previous day, Wednesday, 18th November, Sir James Balfour writes in his *Annales*, "a blazinge star begude to be seine in the southe easte, about 5 a clocke in the morning"; and he goes on to quote, from "a werey profound and learnid mathematiciane of this iland," an account of the motions and appearances of this stranger in the European sky till its final departure exactly a month afterwards, *i.e.* on the 18th of December. Calderwood and Spotswood also note the phenomenon,—Calderwood in these words: "There appeared a prodigious comete in the "morning in the south-east, broade, and "stretching with a large taile towards the "north-west. It appeared fyne and cleere "some few dayes in the beginning, and efter "became more dimme and obscure, and van-"ished away at last in the north." It is chronicled generally, indeed, as having been one of the most beautiful and memorable of modern comets.—What did it prognosticate? was the question at the time. The coming great war in Germany, both Spotswood and Calderwood suggest, reporting a common opinion which afterwards connected this comet with the famous "Thirty Years' War." That war began exactly in 1618 and did not end till 1648. Spotswood, however, thought the comet may have also portended the death of her Majesty Queen Ann, which happened in the following February; and Scots of a different school from Spotswood may possibly have thought it was a sign of the wrath of Heaven on account of the Five Articles of Perth.—Had the comet anything to do, one might now rather ask, with Ben Jonson's visit to Scotland? At all events, Ben must have looked up to it, night after night, in the Scottish sky, and must have recollected it all his life afterwards as an incident of his Scottish visit. We left him at Master John Stuart's house in Leith in the end of the preceding September (*ante*, p. 453 footnote); and all through the month of this comet, from 18th November to 18th December, he was still going about the vicinity of Edinburgh, lionised everywhere as the most important and most corpulent of England's men of letters.

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otherwise, the Commissioners of the Rents, "understanding that there is not so much frie money of his Majesteis rentis in his Majesteis cofferis as will pay the said sowme, nather is thair ony possibilitie or liklichoode that the said sowme can be payit out of the moneyis of his Majesteis rentis, inrespect of the mony great burdynes lyand thairupoun quhilkis necessarlie mon be preferrit to privat preceptis," order Sir Gedeoun Murray to pay the said sum out of the taxation of £200,000 granted in March 1617.

of Hamilton of £3000 out of the Taxation of March 1617.

Decreta Nov. 1618–Feb. 1620.

[Sederunt as recorded above, with the addition of *Lord Flemyng*.]

Edinburgh, 19th November 1618.

Fol. 7, a.

Complaint by Johnne Weymes of Craigtoun, as detailed *ante*, p. 465. The said David Kyninmonth not appearing, nor having found caution, the Lords order him to be denounced rebel.

Craigtoun against Craighall.

Fol. 8, b.

Complaint by Alexander Dennestoun, merchant burgess of Edinburgh, that Archibald Douglas of Kirknes remains unrelaxed from a horning of 18th March last for not paying £643, 8s. 8d. of principal and £100 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against Archibald Douglas of Kirkness for debt to Alexander Dennistoun.

Complaint by George Scott of Kirkstyle, as follows:—Many disturbances being caused in the sheriffdom of Perth by Patrik Chalmers of Buin, who commits frequent oppressions upon pursuer, the case was taken before the justices of peace. Both parties were ordered to find caution. Pursuer has obeyed; but the said Walter will not, as a testimonial signed by the Bishop of Dunkeld and Laird of Bathayok, two of the said justices, shows. As defender is in this burgh, complainer takes the opportunity of acquainting the Lords with these facts.—Both parties appearing, the Lords order defender to be detained in the Tolbooth, at his own expense, during their pleasure.

George Scott of Kirkstyle against Patrick Chalmers for oppression.

Fol. 9, b.

Sederunt—Chancellor; Treasurer; Bishop of Sanctandrois; Lauderdaill; Bugcleuche; Carnegye; Lord Flemyng; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate[1]; Ridhouse; Medop; Innerteill; M^r^ Petir Rollok; Sir Andro Ker; Conservator.

Edinburgh, 24th November 1618.

Complaint by Robert Lindsay, brother of James Lindsay of Over Scheillis, and servitor to "Maistres Murray, ane of his Heynes darrest spous bedchalmer," as follows:—On the night of 3rd October last, Robert Elphingstoun, brother of Sir George Elphinstoun of Blythiswood, knight, and Williame Boyd, only son of the late Johnne Boyd, sometime of Boneschaw, went to the dwelling-house of Archibald Seller, burgess of the city of Glasgow, where pursuer lodged, and, "undir pretext and culloure of freindschip, craftelie traynit him furth of his said ludgeing-

Robert Lindsay against Robert Elphinston and William Boyd for assault in Glasgow.

[1] Omitted in *Book of Sederunts*.

house to the taverne house of Archibald Lyoun thair." After "mutuall taikynis of freindschip past betuix thame, thay movit the said complenair to remove furth of the said house, putting him doun the stair before thame; and, how soone thay come to the calsay, thay, undir silence of nicht as said is, feirslie set upoun the said complenair, and with drawne swerdis and durkis cruellie and unmercifullie invaidit and persewit him of his lyff," and gave him some severe wounds.—Pursuer appearing, and defenders not appearing, the Lords, having heard the depositions of certain witnesses, find the charge proven, and order defenders to enter their persons within the Tolbooth of Edinburgh, therein to remain at their own expense till further order be taken with them. Decreta Nov. 1618–Feb. 1620. Fol. 10, a.

Prosecution of six persons for illegal import and sale of tobacco.

Complaint by the King's Advocate that the following persons have contravened the acts anent the import and sale of tobacco,—viz., Johnne Riddell and Johnne Thow, merchant burgesses of Abirdene, Symoun Grahame, James Gilmoure, Patrik Cristell, and Archibald Symsoun, burgesses of Dysert. Each one is charged with having sold 10 stone weight at 16š. the ounce.—Pursuer appearing, and defenders, except Johnne Riddell and Johnne Thow, being present, the Lords find that the said James Gilmoure has sold 1 lb. for 42š., the said Patrik Cristell 2 lbs. at £3 per lb. and 1 lb. at £6, the said Archibald Simsoun 30 lbs. at 30š. per lb. "overheid," and order them to pay over the money as a fine; they also find the absentee defenders guilty, and ordain the confiscation of the price of the quantity libelled. They assoilzie Symone Grahame, because he has denied the charge on oath. Fol. 10. b.

Suit of Patrick Gray and William Auchinleck for suspension of horning.

Complaint by Patrik Gray of Lowre, and Williame Auchinlek, brother of Auchinleck of that Ilk, that they have been denounced wrongously by [William Bar]clay, domestic servitor to Robert Carnegie of Dynnichine, and ordered to enter their persons in the Tolbooth for an alleged assault on him. The said Patrik "at the tyme of the pretendit charge for his compeirance" was "havelie diseasit with infirmitie and seiknes, and tyed to his bed, being unable to travill on horse or fute." He sent a testimonial under the hands of the ministers and elders of his parish to Mr Henry Chaip, his agent, for transmission to the Lords. The said agent happened to be out of town, and so the testimonial was not presented in time. The said Williame Auchinleck was not lawfully charged to appear. For obedience, both had found caution to appear this day, the said Patrik in 500 merks, and the said Williame in 300 merks; and they have agreed to pay 40 and 20 merks respectively for their escheat.—Pursuers and defender appearing, and being heard, the Lords, "inrespect of the probatioun already tane in this mater and of the decrite and sentence gevin and pronuncet accordinglie," order the said Patrik Gray and Williame Affleck to be committed to the Tolbooth, to remain there at their own expense during their Lordships' pleasure. The letters of horning are suspended. Fol. 11, b. Fol. 12, a.

Prosecution of a number of persons for

Complaint by the King's Advocate that the following persons have contravened the acts anent the importation and sale of English beer in Fol. 12, b.

Decreta Nov. 1618-Feb. 1620.

different months,—viz., David Balfoure in Kirkaldy 76 tuns, William Balfoure in Kirkaldy 36 tuns, James Coilyeair in Kirkaldy 21 tuns, Alexander Law in Kirkaldy 27 tuns, Henry Ronnaldsoun in Kirkaldy 11 tuns, Henry Shankis in Kinghorne 19 tuns, and Andro Maistertoun in Kirkaldy 50 tuns. These persons sold the beer "at ane fer heicher raite and price nor sex pundis the bwnne."—Pursuer, and the said Williame Balfoure, James Coilyeair, Alexander Law, and Henry Ronnaldsoun, appearing, and the other defenders not being present, the Lords find that Williame Balfoure bought 9 tuns, James Coilzeair 15 tuns, Alexander Law 10 tuns, and Henry Ronnaldsoun 2 tuns, and that they sold the same at a higher price than the law allows; and order them to pay the penalty of £20 for each tun. They excuse the absence of David Balfoure and Henry Schankis, because they are informed that they are at present furth of the realm; and they continue the case of David Maistertoun (*cf.* also *Book of Fines*, Fol. 53, a.).

overcharge for English beer.

Fol. 13, a.

Fol. 13, b.

Sederunts. Fol. 30, a.

"Chargeis aganis Sir Johnne Ker and utheris."

Sir John Ker.

Acta Sept. 1617-July 1620. Fol. 156, a.

Sederunt—Chancellor; Lauderdaill; Lord Erskine; Bugcleugh; Carnegy; Master of Elphinstoun; Privy Seal; Treasuer-Depute; Justice Clerk; Advocate; Reidhouse; Innerteill; Medope; Curriehill; Mr P. Rollok; Sir Andro Ker; Conservator.

Edinburgh, 26th November 1618.

"Forsamekle as, althocht the hamebringing of victuall within the kingdome at suche tymes as it hes pleasit God to visite the same with scairstie and dearth of victuallis hes evir beine acknawledgit to be trade lauchfull, necessar, and proffitable, and the hamebringaris thairof accordinglie respectit with all favour alsweill in thair custome as utherwayes, evin so experience in the contrair caise hes gevin cleir and sensible evidence that the unnecessar hamebringing of victuallis at suche tymes as thair is greit aboundance and plentie of the same . . . . .

. . . . . .

Act imposing customs-duty on all wheat and other victual to be imported into Scotland till the 1st of January 1620; with the reasons for the same.

Fol. 156, b.

hes bene verie hurtfull and produceis mony grite inconvenientis of the commounweele,—as namelie the exportatioun of gold and silver aganis his Majesteis lawis and actis of Parliament, quhairupoun followis grite penuritie and scairstie of moneyis within the cuntrey and the interrupting of the intercourse of handling amangis his Majesteis subjectis, sua that numberis of people of all rankis and degreis, quho ar ansuerabill and wealthie in landis and guidis and weill disposit to discharge thair dewteis till all men, can not have moneyis to supplie thair necessiteis and discharge thair credite; and whereas it is aganis all goode ordour, pollicie, and governament that the coyne of the country salbe unnecessarlie transportit and bestowit upoun commoditeis quhairof the countrey standis not in neid; and sieing it hes pleasit God to blisse this countrey with a verrie seasonable and tymous harvest this yeir, sua that thair is greit aboundance and plentie of victuall within the country abill sufficientlie

to serve the selff and to supplie the wantis of otheris; and the Lordis of Secreit Counseill finding it nawyse meitt nor expedient for the commoun- weill that in this tyme of so greit plentie and aboundance of victuall within the countrey the money of the countrey salbe unnecessarlie transportit for hamebringing of foreyne victuall, quhairof the countrey standis not in neid, bot, gif ony persones out of thair privat respect of gayne without regaird of the commounweill will bring hame ony victuall this yeir, that then and in this caise his Majestie sall have a reasonable custome and dewtie payit to his Majestie for the same: Thairfore the saidis Lordis with verie guid advyse and deliberatioun hes resolveit, concludit, and ordaneit that his Majestie sall have the custome following of all suche victuall as salbe brocht within this countrey fra the day and date heirof untill the first day of Januair in the yeir [of God] j^{m} vj^{c} and tuentie yeiris,—that is to say, of everie boll of q[uheit], malt, and bear ten schillingis, and of everie boll of all uth[er victu]all sex schillingis aucht penneyis. And the saidis L[ordis de]clairis that this custome and dewtie now layed upoun the said v[ictual sall] onlie stand quhill the said first day of Januair in the yeir f[oirsaid, heir]efter to be augmented or dis chargeit in haill or in pairt [als occasioun ?] sall present and as God sall blise the countrey with abound[ance or scairs]tie of victuall; and that letteris be direct to ma[k publicatioun] heirof be oppin proclamatioun at all placeis neidfull, [that] nane pretend ignorance of the same." Acta Sept. 1617–July 1620.

Edinburgh, 26th November 1618.

[Sederunt as recorded above.]

Decreta Nov. 1618–Feb. 1620. Fol. 13, b.

Suspension of horning against Patrick Home and James Osat for the abduction of Margaret Wauchope, now spouse of the former.

Complaint by Patrik Home, brother of Alexander Home in Northberuik, and James Osat, servitor to the said Alexander, that they have been denounced rebels wrongously at the instance of George Wauchop of Cleghorne for the away taking of his daughter Margaret Wauchop, now spouse of the said Patrik (*ante*, p. 342). Both parties are now reconciled, and the said George has signed a document before witnesses consenting to complainers' relaxation. For obedience the said Patrik and James had found caution, the former in 500 merks, the latter in 300 merks, to appear this day, and have promised to pay £20 and £10 respectively for their escheat.—Pursuers appearing, and defender not appearing, the Lords, on seeing the foresaid letter, and hearing the report of Alexander Douglas, macer, who had been sent to the said George to learn if the signature thereto was his, suspend the said process of horning.

Fol. 14, b.

Caption against William Bannatyne and others for debt to Robert Hamilton.

Complaint by Robert Hammiltoun, brother german of M^{r} Johnne Hammiltoun of Bornecleuche, that Williame Bannatyne of Corhouse, and Williame Bannatyne, younger, as principals, and James Tailfeir and Thomas Cor in Overhall, as cautioners, remain unrelaxed from a horning of 17th December last for not paying 300 merks of principal and 100 merks of expenses.—Pursuer appearing by M^{r} Alexander Lokhart, and defenders not appearing, the Lords give order to the Captain of the

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Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Caption against William Cairncross for debt to John Lindsay.

Complaint by Johnne Lindsay, portioner of Drem, that Williame Cairnecors, servitor to Robert, Earl of Lotheane, remains unrelaxed from a horning of 26th September for not paying 100 merks for a horse and £3 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard as above.

Fol. 15, a.

Commissions. Fol. 66, b.

Commission to Lord Gray and others for the trial of Henry Ronaldson for murder.

Commission under the Signet, signed by the Chancellor, Lawderdaill, Lord Erskyne, Bukkleughe, Carnegye, and Master of Elphinstoun, is given to Andro, Lord Grey, sheriff-principal of Forfar, Skrymgeour of Dudhoip, Sir Johnne Carnegie of Athie, Carnegie of Dunnichin, and the provost and bailies of Dundie, to try Henrie Ronaldsoun in Newbigging of Auchtertyre, now in the tolbooth of Dundie on the charge of having murdered Roger Marshell in Pitnapie at 7 o'clock in the evening of Sunday instant on the highway above Newtyle.

Sederunts. Fol. 30, a.

New standard measures for Edinburgh.

"The quhilk day Alexander Clerk, baillie, and David Aikinheade, Deane of Gild, of Edinburgh, tooke the first Mononday of Januair to caus thair toun and mercattis and the toun of Leythe be sufficientlie furnist with the new measouris."

Fol. 30, b.

Caution by Christie Armstrong.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Cristie Armestrang, and actit and oblist him that he sall at no tyme heirefter resorte nor repair to England, and that he sall not remane within this burgh, under the pane of perpetuall inprisonment and forfeyting of his pensioun quhilk he hes of his Majestie."

Decreta Nov. 1618–Feb. 1620. Fol. 15, a.

Edinburgh, 1st December 1618.

Sederunt—Chancellor; Treasurer; Laderdaill; Lord Erskine; Lord Flemyng; Bugcleuch; Carnegy; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Kilsyth; Justice Clerk; Ridhouse; Bruntiland; Medop; Innerteill; Curriehill; Marchinstoun; M^r^ Peter Rollok; Sir Andro Ker; Conservator; Foistersait.

Fol. 15, b.

"The Kingis Advocat *contra* tobacconistis."[1] [*i.e.*, Prosecution of five Aberdeen burgesses for illegal import and sale of tobacco.]

Complaint by the King's Advocate that the following persons have contravened the acts anent the import and sale of tobacco,—viz., Mathew Donaldsoun, Andro Makie, Patrik Layng, Alexander Henry, and George Johnstoun, merchant burgesses of Abirdene. Each is charged with having sold 10 stone weight at 16s. the ounce.—Pursuer appearing, and defenders not appearing, the Lords find the charge proven by default, and order defenders to pay over the price of the said quantities.

Fol. 16, a.

Liberation of Newtoun of that Ilk from his warding for assault on William Dods.

Complaint by Archibald Newtoun of that Ilk, as follows:—Pursuer was committed to ward, half a year ago, at the instance of Williame Dodis in Newtounhall, and George Diksoun, his servant. Pursuer acted in his own defence in his own house [*ante*, p. 461]. In any case he has suffered imprisonment for a sufficiently long time, and he has no means to keep himself in

[1] This is the first appearance of the word "tobacconists" in the Record. It must have been a new word in England and Scotland about that time.

ward.—Pursuer appearing, and Williame Dodis also appearing, but the said George Diksoun not appearing, pursuer, because he could not give defender satisfaction, acted himself before the Lords to keep the peace in future under the pain of 500 merks. The Lords give order to the Provost and Bailies of Edinburgh to put him to liberty. Decreta Nov. 1618–Feb. 1620. Fol. 16, b.

Thomas Johnston, fiar of Beirholm, and others, against Johnston of Thornick and others for assault and continued molestation.

Complaint by the King's Advocate, Thomas Johnnstoun, fiar of Beirholme, William Hammiltoun of Ellerschaw, Andro Johnnstoun, brother of the said Thomas, and Thomas Johnnstoun in Midlegill, as follows:—James Johnnstoun of Thornik "upoun precogitat malice and evill will" went on August last with twenty-four accomplices to the house of David Frensche in Moffett, where the said laird of Ellerschaw was. The said James, "for effectuating of his malitious intent," placed Andro Johnnstoun, called of Marjoribankis, and Williame Johnnstoun, called of Kirktoun, rebels and outlaws, "with hagbutis and pistolletis at the bak dure of the said house." He and his other companions remained at the front door, and vowed "with mony horrible aithis" to have pursuer's life. Pursuer, "persaveing nothing but present death, come in will; quhairupoun the said James Johnstoun wes yit disswadit be his said complices fra taking of the said William Hammiltonis lyff." On Sunday August last, the said laird of Thornik and his said accomplices and twenty-two other persons planned an attack on pursuer as he repaired to the kirk of Moffett from the house of Thomas Blaikloke in Moffett; but pursuer was informed of their design by some neighbours, and was forced to pass out of town "in tyme of preitching." Fol. 17, a. On 1st September last, defenders, having heard that pursuers were to come from "the baptisme of ane bairne" in Moffett homewards, went, with James Johnstoun . . , Auld James of Brekansyde, Williame Achesoun in Lochhous, . . . there, William Johnnstoun, called of Heisliebray, James Johnnestoun of Croftheid, Robert Grahame in , Johnne Achesoun in . . ysholme, James Johnnstoun, younger of Brekansyde, and James Douglas of Lochhouse, to the highway at the south end of the town and lay in wait for them. They assaulted pursuers most cruelly with swords, lances, hagbuts, and pistollets, and inflicted a number of serious wounds on Thomas Johnestoun of Beirholme, William Hammiltoun, Bessie Johnnstoun, his spouse, Bessie Scott, his servant, and Andro Johnnstoun.—Pursuers appearing personally, Fol. 17. b. and the said James Johnnstoun of Thornik, William Johnnstoun, called of Heislebrae, and Johnne Achesoun appearing, and the others not being present, the Lords assoilzie defenders, because pursuers have failed to prove their charges.

Counteraction by the Crown against the said Thomas Johnston and others for carrying fire-arms.

Complaint by the Lord Advocate that Thomas Johnnstoun, younger of Beirholme, Andro Johnstoun, his brother, William Hammiltoun of Allarschaw, Thomas Johnnstoun, called of Kindilheid, and Thomas Johnnstoun, called "Finlayis Thome," have broken the law anent the carrying of hagbuts and pistollets. On September last the said persons went armed "in braging maner" to the town of Moffett, and searched for Fol. 18, a.

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, servants of James Johnnstoun of Lochhouse, in order to "have tane thair lyveis," and committed a "verie grite disordour and insolence within the toun."—Pursuer and defenders appearing, the Lords find that Thomas Johnnestoun of Beirholme, Andro, his brother, and Williame Hammiltoun of Ellerschaw, have carried hagbuts, and order them to satisfy the Treasurer; and they assoilzie the remaining defenders, because they have denied the charge on oath.

Fol. 18, b.

Sederunt—Chancellor; Treasurer; Bishop of Glasgow; Lawdirdaill; Lord Gordoun; Lord Erskin; Lord Flemyng; Bugcleuch; Carnegy; Master of Elphinstoun; Treasurer-Depute; Justice Clerk; Kilsyth; Bruntiland; Ridhouse; Innerteill; Medop; Curriehill; Marchinstoun; Foistersait; Sir Andro Ker; Conservator. Edinburgh, 3rd December 1618.

Macfarlane of Arrochar and Macfarlane of Gartavartane denounced for not producing Andrew Macfarlane, at the horn for sheep-stealing.

Complaint by David Muschett of Calliechatt that Andro M^cFarlane in Lettir remains unrelaxed from a horning of 4th December last for not having found caution for his appearance before the Justice anent the charge of having stolen 40 sheep from the lands of Fintrie and 2 "ky" from the lands of Cailyiechatt. Johnne M^cFarlane of Arroquhair and Malcome M^cFarlane of Gartavirtane are "maisteris and cheiffis to the said rebel, or ather of thame." They should be compelled to deliver him up.—Pursuer appearing, and defenders not being present, the Lords order defenders to be denounced rebels.

Fol. 19, a.

Andrew Robison and other tenants of the Marquis of Huntly against Alexander Innes at the Mill of Logyaltoun for various assaults and molestations.

Complaint by Andro Robiesoun in Logyaltoun, Johnne Leslie, notary public, Johnne Urquhart in Logyaltoun, Barbara Harygorie there, James Dempster of Knokleyth, and George, Marquis of Huntlie, for his interest, as follows:—Alexander Innes at the Mill of Logyaltoun has "verie insolentlie and disordourlie careyed and behavit him selff thir divers yeiris bigane," and has oppressed many, but especially pursuers. On March last he put violent hands on the said Andro Robertson on the lands of Logyaltoun, gave him a number of blows, and "reft frome him fyve dusane of quhyte fische." On September last he repeated the assault, and "houssit him within ane house." Pursuer "dar not now

Fol. 19, b.

oppinlie repair in the cuntrey." On April last the said Johne Leslie went, by direction of the said Marquis, to "the boundis of the landis of Logyaltoun, for requireing, in the said Marques name, divers of the gentilmen in the cuntrey about haveing the saidis landis in wodsett to ressaue thair sowmes quhairupoun the saidis landis wer wodsett at the terme of Witsonday thairefter following, now last bypast." He intended to pass to the dwelling houses of the wadsetters, and had with him a number of warrants, with copies and tickets. But defender accosted pursuer in a violent manner, assaulted him, took the documents from him "with sic uther writtis as he had upoun him," and tore them in pieces, vowing with many oaths "that he sould gar him eate thame all in

ane soupe in despyte of the said Marquis."[1] On May last, defender assaulted Johnne Urquhart with a "grite battoun" and broke his head; and he has watched for him on several nights since. On March last defender barbarously slew on the lands of Logyaltoun a cow belonging to Barbara Haragory, a poor woman, and so deprived her of her only means of livelihood. On Sunday April he attacked James Dempster "before the sermone at the kirk of Auchtirles, without respect had to the tyme"; and he repeated the assault on a following Sunday in the said month.—Johnne Urquhart appearing personally, and the other pursuers appearing by Thomas Cromby, writer to the signet, and defender not being present, the Lords, having heard witnesses, find all the charges, except one, proven, and order defender to enter his person within the Tolbooth of Edinburgh, there to remain at his own expense during their pleasure. They assoilzie defender from the charge of having assaulted Johnne Urquhart, because pursuers have failed to prove that particular. Decreta Nov. 1618–Feb. 1620. Fol. 20, a.

Case of Lord Gordon and the Laird of Mackintosh.

This day appeared George, Lord Gordoun, in answer to a summons at the instance of Sir Lauchlane M^cIntosche anent the horning against the latter for abusing his commission against Allane M^cEaneduy (*ante*, p. 456). The said Sir Lauchlane not appearing, the said Lord Gordon protested against further stay of the process of horning. The Lords admit the protest, and order officers of arms to proceed against Sir Lauchlane; and they order the caution money, amounting to 2000 merks, found by M^r Donald Campbell of Parbrek for Sir Lauchlane's appearance, to be confiscated. Cautioner was present in the Council Chamber.[2] Fol. 20, b.

Further complaint by the Crown and Lord Gordon against the Laird of Mackintosh and his clan and followers.

Complaint by the King's Advocate, and George, Lord Gordoun, his informer, as follows:—Sir Lauchlane M^cIntosche of Dunnauchtane, "being loath to be reclamed frome the lawles and insolent formes quhilkis of laite yeiris wer so frequent and commoun in the Heylandis of this kingdome, and quhilkis now by his Majesteis royall auctoritie are in a maner suppresst, and prefering these insolent formes to his Majesteis obedience and to goode ordoure and civilitie, preasis be all his actionis to foister, cherische, and interteny his clan and followairis in thair formair foleyis and contempt of law and justice, and of laite hes committit divers [op]pressionis upoun the said Lord Gordoun, and by convocatioun of his [kin] and freindis in hostile and weirlyke maner with unlauchfull and [forbid]din wapponis hes directlie opposit him selff aganis the executioun of his Majesteis commissioun quhairof the said Lord Gordoun wes in prosequutioun; quhairwith, for the reverent respect he careyed to his Majesteis obedience, he patientlie comportit." And especially the said Sir Lauchlan, Williame M^cIntosche of Boirluin, Malcome M^cIntosche of Brin, Duncane M^cIntosche of Abirardour, Allane M^cIntosche of Davy, Alexander M^cI[ntosche] of Holine, Johnne M^cIntosche in Morrill, James M^cIntosche Fol. 21, a.

[1] In the finding it is phrased,—"threatened to pak him away, saying, gif he stayed langer, he sould caus him supe all his letteris in a brothe."

[2] See also *Book of Fines*, f. 50, *a*.

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in B . . bine(?), Williame M^{c}Intosche, Lauchlane's son, in Tomattoull, Do[nald] M^{c}Quene of Corribrothe, Donald M^{c}Gillichallum M^{c}Coull in Essiche, Donald Glas Williamsoun, servitor to the laird of M^{c}Intosche, Swyne M^{c}Finla Roy in Innernes, Johnne M^{c}Coneill V^{c}Eane in Cullodine,

Fol. 21, b.

Donald M^{c}Intosche, Johnne's sone, in Banchir, Lauchlane M^{c}Intosche of Kellachie, Swyne M^{c}Coull in Raikbeig, and Allane M^{c}Intosche in Marlmoir daily bear hagbuts and pistollets. On October last, the said Sir Lauchlane and his servants, viz. Allane M$_{c}$Intosche, his uncle, in Davie, Donald M^{c}Intosche, son of the late Williame Jamesoun, and Umphra Murray, carried these weapons when on their way to Edinburgh.—Pursuers appearing, and defenders not appearing, the Lords, after hearing witnesses, find the charge proven against defenders, except Alexander M^{c}Intosche of Holine, Johnne M^{c}Intosche of Moirle, Williame M^{c}Intosche, Lauchlane's son, in Tometone [Tometoull], Donald M^{c}Gille-

Fol. 22, a.

challum M^{c}Coull in Essiche, Donald M^{c}Intosche in Banchir, Lauchlane M^{c}Intosche of Killachie, and Swyne M^{c}Coull in Raikbeig,—whom they assoilzie, because they have denied the charge on oath. The guilty parties are ordered to enter their persons in the Tolbooth of Edinburgh, therein to remain at their own expense during their Lordships' pleasure.

Fol. 22, b.

Further complaint by foresaid pursuers, as follows:—Lord Gordoun is tacksman of the teinds of the parish of Innernes, which includes the lands of Cullodin, held heritably by Sir Lauchlane M^{c}Intosche of Torcastell. Recently he obtained a decreet against the possessors of the same for spoliation of the teinds for some years past; and this year he raised letters of inhibition and poinding (*ante*, p. 448). He committed the execution of the process to Robert Stewart, messenger, and he directed his factor James Andirsoun, "with sum horsse and sleddis and some few nomber of servand boyis," without weapons, to teind the corn for this year; which

Fol. 23, a.

both proceeded to do on 10th September last. Sir Lauchlane, hearing of this, resolved opposition, and sent Allane M^{c}Intosche of . . ., Robert Ramsay *alias* Abroche, and M^{c}Farlane, . . . M^{c}Farlane, Donald Dow M^{c}Eane M^{c}Kanyeoche, servitor to the said [Robert] Abroche, Hucheoun Roy, M^{c}[T]homas M^{c}James in Cullodin, Thomas . . Roy, his son, there, Allaster Dow M^{c}William M^{c}[T]homas there, [Williame M^{c}Milligane] there, Kanyeoch, piper there, Finlay M^{c}Rob, weaver there, James M^{c}Rob there, Murdo M^{c}Rob there, Johnne M^{c}Conill M^{c}Eane there, Donald M^{c}Eane, his son, there, Johnne Dow M^{c}Eane M^{c}Finla there, Andro M$_{c}$[T]homas there, M^{c}Lauchlane in the Croft, M^{c}Arthour there, Beane M^{c}William M$_{c}$Eane M^{c}William in Drakie, Ewine M^{c}Ewne M^{c}Murriche, M$_{c}$Coneill M^{c}Eane, brother of Johnne M^{c}Coneill M^{c}Eane, Malcome Ego *alias* Dow, servitor to the laird of M^{c}Intosche, Andro M^{c}Ydo, vagabond, Donald Cam M^{c}William M$_{c}$Beane in Cragie, Johnne M^{c}Intosche, Hector's son, in Culquhenak, and others, to the number of eight score, all armed with hagbuts, pistollets, bows, &c., to meet pursuer's servants. They divided themselves into companies at the ford on the water of Cullodin called

Further complaint by the same against the same for special riot and tumult at the ford of Culloden in opposition to Lord Gordon's right to collect the teinds of the parish of Inverness.

, and watched for pursuer's men. On the approach of the latter, the said persons "in a grite raige, tumult, and furie raise oute of the dennis quhair thay lay, and with thair nockit arrowit bowis and bendit pistolletis and hagbutis come directlie toward the said Lord Gordonis poore hairmeles men, held thair arrowis, hagbuttis, and pistolletis to thair breistis, demanding of thame in [boist]full maner how thay durst come thair for suche ane eirand, th[reatning] thame of thair lyveis gif thay depairtit not presentlie, telling thame that thay had directioun frome M^cIntosche thair maister to stay thame or utherwyse to slay thame,—sua that thay wer constraynit for preservatioun and saulftie of thair lyveis to come back." On 21st September Lord Gordoun sent out his servants on the same errand, but "thay wer usit at that tyme be the personis abonewrittin as thay wer usit the first tyme."—Pursuers appearing, and defenders not appearing, the Lords, after hearing witnesses, find that the said Robert Ramsay *alias* Abroche, Malcome M^cFarlane, Donald Cam M^cWilliame M^cBeane, and others, armed with forbidden weapons, stopped, by direction of the said Lauchlane, the said Robert Stewart and James Andirsoun and their company at the burn of Cullodin on 10th September; that the said Kanyeoch, piper, Finla M^cRob, James M^cRob, M^cRob, Johnne M^cConeill V^cEane, Donald M^cEane, his son, D M^cEane M^cFinla, Andro M^c[T]homas, Beane M^cWilliame M^cEane , Ewine M^cEwne M^cMurriche, Malcome Ego *alias* Dow, Andro M^cYndo, vagabond, and Johnne M^cIntosche, Hector's son, did likewise on 21st September; that the said Johnne M^cConeill M^cEane, and Beane M^cWilliame M^cEane M^cWilliame, had "bendit" guns in their hands, and that all the said persons uttered "injurious speetcheis"; that the said Malcome M^cFarlane, Ewne M^cEwne M^cMurriche, and Malcolme Ego *alias* Dow are domestic servants of Sir Lauchlane. They, therefore, order the said Sir Lauchlane and foresaid parties to enter their persons in the Tolbooth of Edinburgh, to remain there at their own expense till further order be taken with them. The Lords assoilzie Donald M^cKanyeoche, Hucheoun Roy in Cullodin, Thomas M^cHucheoun, his son, Allaster Dow M^cWilliame, Williame M^cMulligane, M^cConneill M^cEane, M^cLauchlane, and M^cArthour, because pursuers have failed to prove the charges against them.

Decreta Nov. 1618–Feb. 1620.

Fol. 23, b.

Fol. 24, a.

Fol. 24, b.

Complaint by the Cordiners of the Canongate against the Cordiners of Edinburgh for interference with the liberty of sale of Canongate manufactures in the Edinburgh market, and for various special acts of oppression.

Complaint by M^r James Wilkie and James Hadden, bailies of the Cannogait, for themselves and Council and Community thereof, and Thomas Lowrie, deacon of the cordiners, for himself and his "bretherine coirdinairis in the Cannogait," as follows:—Pursuers have on divers occasions complained to the Privy Council "of the oppin and manifest oppressionis, reiffis, and insolenceis committit upoun thame be the deaconis for the tyme and remanent bretherine of the cordinair craft within the burgh of Edinburgh, who, without forme and ordour of law and as it wer by strong hand and violence, intendit and still intendis to prejudge and debar the saidis complenairis, cordinaris in the Cannogait, frome thair fredome and previledge of buying and selling within the said burgh

Fol. 25, a.

Decreta Nov. 1618–Feb. 1620.

upoun the ordinair mercat dayis, quhilkis are frie and commoun to all his Majesteis leigeis, as alsua spoyllit thame of thair geir, threatnit thame of thair lyveis, and committit a nomber of uther insolenceis upoun thame." Pursuers obtained two decreets from the Lords, one on 19th February 1607, declaring "that the ordinar mercat dayis of the burgh of Edinburgh aucht to be frie to all his Majesteis leigeis," and the other on 5th March 1607, ordering the cordiners of Edinburgh "to ceis fra making of ony forder stop, trouble, hinder, or impediement unto the saidis complenairis cordinairis in the Cannogait in useing of thair previledge in buying and selling in the said mercat." Defenders were also ordered by this decreet to deliver "certane mulles and shoone, violentlie reft and tane" from pursuers, and to "keepe guid nichtbourheid with them in tyme comeing." Nevertheless, defenders are "more violent and outragious aganis thame nor thay wer at ony tyme heirtofore," and treat them "as gif thay wer not his Majesteis lauchfull subjectis, bot slaveis, and as gif thay wer maisteris and superiouris unto thame." When pursuers "come within the portis of the said burgh with ony worke maid be thame to gentilmen who attendis the sessioun or to ony nichtbouris of the said burgh," defenders "houndis and chaissis thame af the streitis, persewis thame of thair lyveis, violentlie reivis thair geir fra thame, and dois quhat in thame lyis to cut thame schorte of all kynd of doing within the said burgh." On Sunday

Fol. 25, b.

Johnne Poik, assisted by Johnne Pillene and Johnne Kelso, cordiners in Edinburgh, having met Henrie Futhie, cordiner in the Cannogait, upon the streets of Edinburgh, "without respect to the Lordis holie Sabboth invaidit and persewit him of his lyff, houndit and chaissit him a long space, as gif he had bene a theif or a vagabound, and, haveing overtane him, thay reft fra him his cloike and hatt." On Sunday 27th September last James Pillane, cordiner in Edinburgh, accompanied by Johnne Fiddes, town officer of Edinburgh, took a pair of "camrone heild watt leddir schoone" from Alexander Symsoun, servitor to Alexander Law, cordiner in the Cannogait, when he was in Leith Wynd within the

Fol. 26, a.

liberty of the Cannogait.—Pursuers appearing, and the said Johnne Fiddes and James Pillene appearing, but the remaining defenders not being present, the Lords assoilzie the said Johnne Pook (*or* Pollok), Johnne Pillane, and Johnne Kelso from the charge of having chased Henry Futhie, and the said James Pillene from that of having taken goods from Alexander Simsoun. They find that Johnne Fiddes took away the shoes from the said Alexander, and order him to restore them in good condition, or pay thirty shillings. The Lords declare "that the cordinairis of the Cannogait may at all tymes and occasionis bring in to the burgh of Edinburgh, to ony of the inhabitantis thairof or otheris his Majesteis leigeis that pleisis to imploy thame, all suche buitis, mulles, and schoone as thay salbe imployit to mak, and quhairof the price salbe aggreit upoun and maid afoirhand, and no utherwyse."

Fol. 26, b.

Sederunt—Chancellor; Bishop of Glasgow; Bishop of Ros; Rox- Edinburgh, 8th December 1618.

burgh; Laudirdaill; Lord Gordoun; Bugcleughe; Carnegie; Master of Elphinstoun; Treasurer-Depute; Justice Clerk; Kilsyth; Bruntiland; Ridhouse; Medop; Innerteill; Curriehill; Advocat; Foistersait; Marchinstoun; Conservator. Decreta Nov. 1618–Feb. 1620.

William Milne in Monymusk against John Fraser for assault.

Complaint by William Mylne, indweller in Monymusk, that, while on his way to Abirdene on 6th July last, he was attacked on the highway by Johnne Fraser in Clintertie and thirteen armed accomplices, seriously wounded in divers parts, and robbed of his sword, whinger, and "certane abuilyeamentis."—Pursuer appearing by Forbes of Monymusk, and defender not appearing, the Lords order defender to be denounced rebel. Fol. 27, a.

John Beaton, one of the Gentlemen of the Guard, against Gilbert Rhynd for assault, and against James Guidlet, one of the Guard, and Alexander Wedderburn, one of the bailies of Dundee, for abetting and shielding the said Gilbert.

Complaint by Johnne Beatoun, one of the Gentlemen of the Guard, as follows:—Gilbert Rynd, brother of the laird of Kers, having been put to the horn on several occasions, order was at last given to pursuer by the Lieutenant of the Guard, at the instance of Robert Rollok, younger, citizen of Brechin, for the arrest of the said Gilbert. Pursuer searched for him for some time, and, hearing that he was in Forfar in company with James Guidlet, one of the Guard, sent Johnne M^cKye, his servant, to discover if he were there. The said James and Gilbert, learning that the said Johnne had come to Forfar, went to him, and "efter a verie insolent maner misusit him." They thereafter went to Dundie, and were together on 4th and 5th September. On the latter date the said James "took guidnicht of the said rebell, sufficientlie instructing, directing, and commanding Allaster Williamesoun, his awne futeman and servand, to attend and await upoun the said rebell, and to assist him aganis the said complenair or ony uther of the Guard that sould preasse to tak him." On 7th September pursuer saw the said rebel "outwith the portis of the burgh of Dundie, at the west end thairof, within the liberteis of the said burgh." He accordingly presented his warrants; but defender and the said Allaster Williamsoun withstood him with drawn swords. Pursuer thereupon requested Alexander Weddirburne, one of the bailies of the burgh, to assist him in the performance of his duty; but he refused. He then endeavoured to arrest defender, but was stoutly resisted by him and his companion, and received several wounds. "And, the said complener haveing than taikin the said rebell and haveing brocht him to the tolbuith dure of Dundie of purpois to have enterit him thairintill, the said baillie not onlie absentit him selff and keipit him self clois in ane house, bot also causit the jaylour of the said waird to absent him selff, sua that, the complenair going to pans his woundis, the rebell eschaiped. And the said complenair his continewallie sensyne lyne bedfast of the woundis foirsaidis."—Pursuer appearing personally, and the said Alexander Weddirburne and James Guidlet being present, and the said Gilbert Rynd not appearing, the Lords assoilzie the said bailie and James Guidlet, because they have denied the charge on oath; and they order the said Gilbert to be denounced rebel. Fol. 27, b. Fol. 28, a.

Acta Sept. 1617–July 1620. Fol. 156, b.

Sederunt—Chancellor; Treasurer; Glasgow; Lotheane; Roxburgh; Lauderdaill; Lord Erskeine; Carnegy; Master of Elphinstoun; Treasurer-Depute; Privy Seal; Justice Clerk; Advocate; Kilsayth; Bruntiland; Ridhous; Medop; Innerteill; Curriehill; Marchinstoun; [Sir Andro Ker; Conservator.[1]] Edinburgh, 10th December 1618.

Warrant for payment of £2000 sterling to Lord Maxwell.

His Majesty having given a precept for £2000 sterling, or £24,000 Scots, dated at Hincheinbrook on 23d October 1617, in favour of Robert, Lord Maxwell, called in the same Robert Maxwell of Carlaverok, to be paid out of the royal rents, the Commissioners of the Rents, for reasons similar to those given *ante*, p. 470, order the Treasurer-Depute to pay the said sum out of the taxation granted in March 1617.

[Sederunt as recorded above.] 10th December 1618.

Decreta Nov. 1618–Feb. 1620. Fol. 28, b.

Allan Lockhart of Cleghorn against his son Archibald and his said son's wife for tearing a contract signed by the said father and son.

Complaint by Allane Lokhart of Cleghorne as follows:—Archibald Lokhart, his eldest son, and Nicolas Maxwell, spouse of the said Archibald, had, without cause, "pretendit some mater of offence and miscontentment, for that the landis disponit be the said complener to thame in contentatioun of thair mariage answerit not in proportioun, as thay alledget, to the rentall dewtie gevin up be him to thame." Pursuer, having heard of this, and being loath that they should harbour any grudge against him, assigned a further share of rent from what he had reserved for himself, equal to the alleged deficit. "Quhairupoun ane contract being formed and aggreit upoun betuix thame, and subscryvit be the said complenair and his sone, and he being obleist to caus his said spous lykwyse to subscryve the same, scho come to the said complenairis house upoun the nynt day of November last; and, scho being ressavit be him with these dewteis of hairtie love, kyndnes, and welcome quhilkis become a fader to schaw to his dochter, scho maid the said complenair to beleve that the cause of hir comeing wes to subscryve the contract, and scho desyrit inspectioun thairof. And he, suspecting nothing les then ony bad purpois or intentioun in hir, deliverit the contract in hir handis; and, scho pretending to go asyde to the windo to reid it, scho verie undewtifullie and unmanerlie, be the directioun and command of hir husband, raive the subscriptionis of the said complenairis selff, and his sone, hir husband, frome it, and then kaist it to the said
Fol. 29, a. complener in scorne, mockage, and derisioun."—Pursuer and defenders both appearing, and the document being produced, the said Alexander admitted that it was the one which he had signed; and the said Nicolas granted it to be the one from which she had torn the subscriptions. The latter produced the "double" of the contract, from which also she had torn the signatures. The Lords find against the said Nicolas and order her and her husband to "subscryve the same overagane," declaring such duplicate "to haif als grite faith in judgement and otherwyse as the other contract

[1] Supplied from the *Book of Sederunts* and *Decreta*.

foirsaid." They reserve the further punishment of the said Nicolas to another occasion. Decreta Nov. 1618–Feb. 1620.

Prosecution of some burgesses of Montrose for illegal import and sale of tobacco.

Complaint by the King's Advocate that the following persons have contravened the acts anent the homebringing and sale of tobacco,—viz.: Johnne Batie, Williame Erskyne, Andro Batie, Andro Duncane, Thomas Rany, Johnne Mylne, Andro Croll, Alexander Andirsoun, Johnne Ros, and William Grahame, all burgesses of Montrois. Each one is charged with having sold 10 stone weight at 16s. the ounce.—Pursuer appearing personally, and defenders, except Andro Batie, Johnne Mylne, Andro Croll, and Alexander Andirsoun, being also present, the Lords find that Johnne Batie bought 15 lbs. and sold it at 5s. the ounce overhead, and Williame Grahame 6 lbs. at 5s. the ounce; and order them to pay over the price of Fol. 30, a. the said quantities. The Lords find the said Andro Batie, Johnne Mylne, Andro Croll, and Alexander Andirsone guilty by default, and order them to pay the price of the quantities libelled. The other defenders are assoilzied, because each has denied the charge on oath.

Suit of James Middleton, now in ward in the Tolbooth of Edinburgh, against his father-in-law, Robert Winrahame, herald, for payment of his prison-expenses to Andrew Whyte, jailor.

"The quhilk day Robert Winrahame, herauld, and James Middletoun, his son-in-law, being hard befoir the Lordis of Secreit Counsall anent the jaylour fee acclamed be Andro Quhyte, jaylour of the Tolbuithe of Edinburgh, to be dew to him for keeping of the said James in warde within the Tolbuithe thir divers yeiris bigane, the said James declairit that he wes most willing that the said Andro sould be satisfeit and payit of the soume of ane hundreth pundis in satisfactioun of his said jaylour fee oute of the reddiest of the soume of foure hundreth merkis collectit amangis his freindis for his supporte and delyverit be thame to the said Robert Winrahame to his use and behooffe. Quhairunto it wes ansuerit be the said Robert Winrahame that he onlie ressavit fra the freindis of the said James the soume of three hundreth and xiij merks, and that he had debursit and bestowit upoun the said James and in his adois sen the tyme of his committing to warde the soume of nyne hundreth pundis, quhairof he had his comptis reddy to produce, as he alledgeit, and forder that he had ane acquittance and discharge under the said James hand of all that he could clame of him for quhatsomevir caus or occasioun; and, seeing the said James had caryed him self so undeutifullie and unthankfullie aganis him in bringing his name in questioun befoir the saidis Lordis, that thairfoir he wes no forder oblist unto him. The Lordis of Secreit Counsaill haveing at lenthe hard the saidis pairtyis, and understanding that the said James hes no meanes quhairwith to pay the said jaylour fee and that he lyis still in warde for not payment making thairof, thairfoir the saidis Lordis ordanis the said Robert Winrahame to mak payment to the said Andro Quhyte of the soume foirsaid of ane hundreth pundis of the first and reddiest of the soumes collectit be the said James freindis and delyverit be thame to the said Robert to his use and behooue as said is." Sederunts. Fol. 31, a.

Edinburgh, 15th December 1618.

Sederunt—Chancellor; Treasurer; Lotheane; Laudirdaill; Lord Decreta Nov. 1618–Feb. 1620.

Fol. 30, b.

Erskine; Lord Flemyng; Carnegy; Master of Elphinstoun; Treasurer-Depute; Privy Seal; Justice Clerk; Advocate; Kilsyth; Bruntiland; Curriehill; Innerteill; Marchinstoun; Sir Andro Ker; Sir Petir Rollok; Conservator.

Caption against Mr. Mark Ker in Kelso for debt to James Aikman.

Complaint by James Aikman, merchant burgess of Edinburgh, that Mr Mark Ker in Kelso remains unrelaxed from a horning of the last day of February 1618 for not paying £449 of principal and £100 of expenses. — Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

William Eysoun against the magistrates of Elgin and James Douglas for wrongful imprisonment.

Complaint by Williame Eysoun in Weeke against the provost and bailies of the burgh of Elgin, James Douglas, nephew of Alexander, Bishop
Fol. 31, a. of Murray, and Robert Dumbar, burgess of Elgin, that he has been wrongfully committed to the tolbooth of Elgin at the instance of the said James Douglas and Robert Dumbar. — Williame Mortymer, burgess of Elgin, appearing for defenders, and giving in a copy of the principal letters, and Johne Sutherland, servitor of pursuer, appearing for pursuer, the latter declared "that, he being directit to this burgh be his said maister with the principall letteris to have bene gevin in before the saidis Lordis and with sindrie utheris letteris and writtis concerning his said maister, and being come agaitward to the burgh of Bruntiland upoun the day of December instant, quhair he ludgeit that nicht in Johnne Harrowaris house, one Thomas Grant, servitor to Johne Grant, quha is servitor to the laird of Mayne, and quho ludgeit that nicht with the said Johnne Sutherland and lay in bed with him, tooke his haill letteris fra him quhenas he wes sleipand in his bed, and careyed the same to the said Johnne Grant, his maister; and that, he haveing mist his letteris in the moirning, and haveing tryed that the said Thomas Grant raise about midnicht and past to the said Johnne Grant, his maister, quhair he wes ludgeit in Johnne Murrayis house in Bruntiland, and stayed with him ane houre or thairby, the said Johnne Sutherland went to the said Johnne
Fol. 31, b. Grant and complenit to him of the injurie and wrong done to him be his servand. He boisted the said Johnne Sutherland, threatning to lay him faster nor his maister wer layde." The Lords, understanding that the said Johnne Sutherland has been "craftelie circumvenit," and noting that defenders have neither appeared personally nor exhibited pursuer, order the said magistrates to liberate pursuer under pain of rebellion.

David Ramsay, one of the guard, against John Murray for repayment of a sum which Ramsay had been obliged to pay on account of Tweedie of Dreva.

Complaint by David Ramsay, one of the Guard, as follows:—James Twedy of Dreva having been put to horn at the instance of Thomas Barboure, writer, for not paying £83, 6s. 8d. of principal and £10 of expenses, pursuer was directed to apprehend him. He did so, and was about to commit him to ward when Johnne Murray, merchant burgess of Edinburgh, "earnistlie delt and travellit" with him for his release, promising to give satisfaction to the said Thomas Barboure and to relieve pursuer at his hands. The said Thomas, despairing of payment, recently

summoned pursuer for releasing defender; and pursuer was ordered to pay the foresaid sum. The said Johnne Murray should be compelled to relieve pursuer.—Pursuer and defender appearing, the Lords order the said Johnne Murray to relieve pursuer at the hands of the said Thomas Barboure. Decreta Nov. 1618–Feb. 1620.

Prosecution of some persons in Arbroath and Montrose for illegal import and sale of tobacco.

Complaint by the King's Advocate that the following persons have contravened the acts anent the homebringing and sale of tobacco,—viz.: William Buchane, Alexander Petrie, Johnne Kyde, Johnne Smyth, and Thomas Mylne, burgesses of Abirbrothok, and Johnne Wood in Montrois. They are charged with having sold 10 stone weight at 16s. the ounce.—Pursuer and defenders appearing, the Lords find that the said Williame Buchane sold 6 ounces at 5s. the ounce, Thomas Mylne 4½ ounces at 5s. the ounce, John Wod 4 lbs. at 5s. the ounce, and order them to pay over the price of the said quantities. The Lords assoilzie the other defenders, because they have denied the charge on oath. Fol. 32, b. Fol. 33, a.

Cautions for several Highlanders not to carry firearms.

This day appeared Ewin M^cGilechoneill in Auchinschalune and became cautioner for Angus M^cInkaird in Bartanemireach; also Johne Stewart M^cRobert in Corriechermuk for the said Ewin; Patrik M^cNesker in Daldravag for the said Johne Stewart; Johne M^cInnes Gair in Arguellinch for the said Patrik; and the said Ewin for the said Johne M^cInnes,—each in £100,—not to carry hagbuts or shoot wild-fowl, &c. Fines. Fol. 50, b.

Edinburgh, 17th December 1617.

Sederunt—Chancellor; Treasurer; Lotheane; Laudirdaill; Lord Gordoun; Lord Erskin; Lord Flemyng; Carnegye; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsyth; Bruntiland; Inverteill; Curriehill; Marchinstoun; M^r Petir Rollok; Sir Andro Ker; Conservator.

Caption against Robert Gray of Cramslie for debt to Alexander Linton.

Complaint by Alexander Lyntoun, servitor to Alexander, Master of Elphinstoun, that Robert Gray of Cramslie remains unrelaxed from hornings of 6th and 13th February 1617 for not paying 1000 merks of principal and £100 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 33, b.

Caption against Kininmonth of Craighall and others, at the horn for trespass on the lands of Wemyss of Craigtoun.

Complaint by Johnne Weymes of Craigtoun that David Kyninmonth of Craighall, Marie Seatoun, his spouse, Patrik, David, Johnne, William, and James Kyninmonth, their sons, and David Seatoun, son of the late laird of Parbrothe, remain unrelaxed from hornings of 17th and 24th November last for not having answered the charge of having taken away a great quantity of peat from pursuer and his tenants, and of "hunting of his cunyngairis, breking doun of his dowcattis, and dischairgeing of his haill tennentis of Kyninmouth and Craighall to laboure thair land; and tuitcheing divers utheris pointis of oppressioun."—Pursuer appearing and defenders not appearing, the Lords give order to the Captain of the Guard as above. Fol. 34, a.

Caption against John

Complaint by Dame Margaret Cairnecors, relict of Sir Williame Hairt

Decreta Nov. 1618–Feb. 1620. Fol. 34, b.

of Prestoun, that Johnne Hairt, her son, remains unrelaxed from a horning of 28th November last for having refused to find caution for her indemnity (*ante*, p. 464).—Pursuer appearing by Mr Robert Hairt, her son, and defender not appearing, the Lords give order to the Captain of the Guard as above.

Hart, at the horn for not finding caution for the indemnity of his mother.

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"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie George, Lord Gordoun, and declairit that he wald tak upoun him Johnne Camroun, eldest laughfull sone to Allane Camroun of Lochyell, whome he acknowlegeit to be his proper man, tennent and servand; for quhome he declairit he wald be ansuerable conforme to the lawis of this realme. In respect quhairof the Lordis of Secreit Counsaill frethis and relevis James, Lord Madertie, of the cautionarie quhairin he wes oblist for the entrie and exhibitioun of the said Johnne, and declairis him free thairof in all tyme comeing."

Caution by Lord Gordon for the eldest son of Cameron of Lochiel.

"Forsamekle as the secund day of Februair nixtocum being appoyntit to the barrones and gentilmen of Argyll for thair compeirance befoir the Lordis of Secreit Counsall to have underlyne suche ordour as sould have bene tane with thame for retening of the boundis of Argyll and otheris pairtis and boundis pertening to Archibald, Erle of Argyll, in quyetnes and obedience dureing the absence of the said Erle furth of this realme; and, a nomber of the saidis barrounes and gentilmen haveing the occasioun to be presentlie in this burgh for some otheris affairis and bussynes, thay desyreit of the saidis Lordis that thei micht presentlie be admittit to audience, sieing they wer willing to gif present satisfactioun in that mater for the quhilk they wer chargeit to keip the said secund day of Februair; quhilk desyre being fund reassonable be the saidis Lordis, the

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personis following compeirit befoir thame,—to witt, Campbell of Lundy, Sir Duncane Campbell of Glenurquhie, Campbell, his eldest sone and appeirand air, Sir Dougall Campbell of Auchinbrek, Sir James Campbell of Laweris, Campbell of Lochinyell, Campbell of Ardinkinglas, Campbell of Duntrune, Coline Campbell of Kilberry, Campbell of Parbrek, Campbell of Otter, Campbell of Yllangreig, McCoull of Rara, Mr Donald Campbell of Barbrek, , Capitane of Dunstafnage, Hectour McNeill of Taynes, Ronald Campbell of Barreichvyen, Campbell, sone to the Capitane of Carrik, Capitane of Craigneische, and Robert Campbell, sone to the said Sir Duncane Campbell of Glenurquhy. And, thay being demandit quhat overtour or propositioun thay had to mak or gif in to the saidis Lordis for the peace and quyetnes of the saidis boundis, it wes ansuerit be the saidis lairdis of Glenurquhie and Laweris, in name and as preloquitoris for the remanent persones abonewreittin, that the saidis haill persones, with some otheris freindis of the house of Argyll, had beine in conferrence and reassoning upoun this subject, and that, efter guid advyse and deliberatioun tane thairintill, thay haid resolveit amongis

Compearance of the barons and gentlemen of Argyle before the Council, with their proposals of arrangements for keeping the Argyle domains in good order during the Earl's absence abroad: acceptance of the proposals by the Council, and Act of Council accordingly.

thame selffis that it wes meittest that the cheife burdyne of this service sould be layd upoun the said laird of Lundy, inrespect he wes the neirest persone in bloode and freindschip to the said Erle of Argyll, and who in suche a caise sould represent the Erllis persone sa lang as he remanis furth of this realme and standis under his Majesteis favour and obedience. And, to mak the burdyne the moir facile and easie unto him, thay haid adjoyned to him in that charge the said Campbell of Lochinyell for the boundis of Lorne, the said Sir Dougall Campbell of Auchinbrek for the countrey of Argyll, the said Campbell of Ardinkinglas for the boundis of Cowell, and the said Coleine Campbell of Kilberrie for the boundis of Kintyre. Quhilkis personis being demandit gif they wer willing and content to undirtak and accept the said charge, they declairit that thei haid undertaine and acceptit the samin upoun thame with this speciall provisioun and conditioun, that they sould only stand obleist for the obedience and quyetnes of the saidis boundis for tymes to come allanerlie, and that thay sould not be burdyneit for ony bigane attemptis or offensis committit within the same boundis, and that the tyme of thair charge wer limited to a certane and definite tyme. Lykas, for the saidis Lordis better satisfactioun in this poynt, the said Campbell of Lundy, Sir Dougall Campbell of Auchinbrek, Campbell of Lochinyell, Campbell of Ardinkinglas, and Colene Campbell of Kilberrie, being all personallie present, as said is, acceptit, and be the tennour of this present act acceptis and takis upoun thame, the charge and burding of the gouernament of the boundis particularlie abonewrittin, designeit and allotted unto thame, and promeist to hald and keip the saidis boundis in quyetnes and under his Majesteis obedience, to apprehend and punische malefactoris, and to mak thame ansuerabill and obedient to law and justice for all offensis to be committit be thame efter the day and date heirof indureing the tyme of this thair chairge, and, generallie, that they sall do and performe every uther thing for the peace, obedience, and quyetnes of the boundis particularlie abonewrittin designeit unto thame, quhilkis the Erle of Argyll aucht to have done him selff gif he wer personallie present. For doing quhairof thir presentis salbe unto thame and every one of thame ane sufficient warrand and commissioun. Lykas the saidis Campbell of Duntrvne, Campbell of Parbrek, and the Capitane of Craigneische, being personallie present, promeist to concur with the said laird of Lundy and with the said laird of Auchinbrek in all and everie thing quhilk may further and advance the service foirsaid undertane be thame. And the saidis laird of Rara, Robert Campbell, sone to Glenurquhy, M[r] Donald Campbell of Barbrek, and the Capitane of Dunstafnage, being personallie present, promeist the lyk concurrance to the said laird of Lundy and the laird of Lochinyell within the boundis of thair charge. Lykas also the saidis Campbell of Yllangreg and Campbell of Otter, being personallie present, promeist the lyk concurrance to the said laird of Lundy and to the laird of Ardinkinglas within the boundis of Cowell.

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Isles. And the said Hectour MacNeill of Taynes, being personallie present, promeist the lyk concurrance to the said laird of Lundy and to the said Colene Campbell of Kilberry within the boundis of thair charge. And the saidis Lordis ordanes letteris to be direct chargeing McDougall of Dunnoldych and Stewart of Appin for the boundis of Lorne, the lairdis of Largie, Loup, the Capitane of Tarbett, and Hectour McNeill of Carskay for the boundis of Kyntyre, and all utheris barrounes, landit gentilmen, and otheris his Majesteis leigis and subjectis within the haill boundis particularlie abonewreittin, to reverence, acknawledge, and obey, concur, fortifie, and assist the persones abonespecifeit quho hes undertane and acceptit the charge foirsaid, every ane of thame within the boundis particularlie abonespecifeit, designeit, and appoyntit unto thame, in all and every thing tending to the furtherance and advancement of his Majesteis auctoritie and service, the retening, halding, and keiping of the saidis boundis in peace, quyetnes, and obedience, and in the persute, apprehensioun, and punisching of malefactoris and delinquentis within the saidis boundis, as they
Page 240. and every ane of thame will answer to the Kingis Majestie and the saidis Lordis upoun thair obedience at thair heichest pane and charge and perrall. And the saidis Lordis, with the consent of the commissionaris abonewreittin, ordanis thir presentes to stand in force and to contenew untill the first Counsall day of Junij in the yeir of God j^{m}vj^{c} and tuentie yeiris, and thairefter ay and quhill the saidis commissionaris compeir befoir the saidis Lordis and lawfullie discharge thame selffis of the commissioun and charge undertane be thame. And, to the effect the said Coleine Campbell of Kilberry may be the more abill to discharge the commissioun and charge foirsaid undertane be him, the saidis Lordis ordanis the house of Kinloche in Kintyre pertening to the said Erll to be delyverit to the said Colene to be keipt and useit be him as he sall think expedient; and that letteris be direct to this effect gif neid beis in forme as effeiris."

Sederunts. Fol. 31, b. "The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Johnne Wilky, mercheand burges of Edinburgh and of Berwick, and actit and oblist him that he, his wyff, bairnis, nor servandis sall at no tyme heirefter ressave, hyde, nor conceale within his house nor otherwayes ony commodityis, marcheandice, or wairis transportit fra England towardis Scotland, nor fra Scotland towardis England, in defraude of his Majesteis custome, under the pane of j^{m} lib. *toties quoties*."—In the margin, written and signed by J. Prymrois,—"This act deleit be warrand in write of his Majesteis Counsall of the date the xxij day of December 1618."

Band by John Wilkie, burgess of Berwick, that he will not reset or conceal goods passing illegally between Scotland and England.

[Edinburgh], 19th December 1618. "The quhilk day Johnne Baillie of Lethame, and M^{r} James Seytoun, bruther to the laird of Touche, compeirand personallie befoir Alexander, Erll of Dunfermelyne, Lord Heigh Chancellair, and Johnne, Erll of Mar, Lord Heigh Thesaurair, of this kingdome, and the saidis Lordis haveing hard the reporte and declaratioun maid be thame

Submission of dispute between Baillie of Letham and Mr. James Seytoun.

severalie and apairt anent the lait contrauersie fallin oute betuix thame, and finding some disconformitie in thair reportis and declaratioun, the saidis pairtyis declairit that thay wer content to admitt Andro Ker, brother to the laite Erll of Lotheane, Mr Thomas Nicolsoun, advocat, and Robert Richardsone of Pencaitland as witnesis for proveing of the treuthe of that mater. And thay bothe submittit thame selffis to the determinatioun of the saidis Lord Chancellor and Thesaurair thairanent, promissing to stand, abyde, underly, and fulfill quhatevir thay shall decerne to be done thairin. And in the meantyme, quhill the saidis Lord Chancellair and Thesaurair gif furthe thair decreit in this mater, quhilk thay promeist to do betuix and the 25 of this instant, the saidis Johnne Baillie and Mr James Seytoun assuirit ilkane otheris to be unhurte, querrellit, or persewit otherwayes nor be ordour of law, under the pane of perjurye and defamatioun." Sederunts. Fol. 32, a.

[No record of Sederunt.]

Edinburgh, 23rd December 1618. Band for the Captain of Clanrannald and his uncle.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Johnne McDonald McAllane VcEane of Ilantyrum, Capitane of the Clanrannald, and Ronnald McAllane VcEane, his uncle, and actit and oblist thame as followis: to witt, the said Johnne, renunceing his preuilege of minoritie, as principall, and the said Ronnald as cautioner and souirtie for him, become actit and oblist conjunctlie and seueralie, and the said Ronnald, as principall, and the said Johnne, renunceing his previlege of minoritie, as cautioner and souirtie for him, become actit and oblist conjunctlie and severalie, that thay sall compeir personalie befoir the Lordis of Secreit Counsaill upoun the tent day of Julij nixttocome, and in the meantyme that thay sall observe oure Soverayne Lordis peace and keepe goode rule and quietnes in the cuntrey, under the panes following,—viz. the said Johnne under the pane of sax thousand merkis, and the said Ronnald under the pane of three thousand merkis." (See page 492.) Isles. Page 240.

Reconciliation of Baillie of Letham and Mr. James Seytoun.

"In presence of the Chancellair and Thesaurair. The quhilk day Johnne Baillie acknowledgeit his offence to Mr James Seytoun (*ante*, p. 489), craved him pardoun, and promeist to gif him suche satisfactioun as he pleasit; quhilk Mr James acceptit, and thay chopeit handis and wer aggreit." Sederunts Fol. 32, a.

Edinburgh, 24th December 1618.[1]

Sederunt—Chancellor; Laudirdaill; Master of Elphinstoun; Treasurer-Depute; Kilsyth; Ridhouse; Justice Clerk; Medop; Advocate; Curriehill; Mr Petir Rollok; Sir Andro Ker; Conservator. Decreta Nov. 1618–Feb. 1620. Fol. 34, b.

John Sinclair of Ganies

Complaint by Johnne Sinclair of Ganeis as follows:—"Upoun the xxiij

[1] The next day being the Christmas day of 1618, there had been a good deal of preparation for observance of it by the Bishops and the conforming clergy. With very little effect, however, it would appear,—at all events in Edinburgh. All the Edinburgh ministers, indeed, except Mr John Hall, held the prescribed Christmas service; but the churches, Calderwood says, were but thinly attended.

Decreta Nov. 1618-Feb. 1620.

against George Oisteane, tailor, and others, for insolence to him in the Earl of Caithness's dwelling-house in Edinburgh, and for assault.

day of December instant, he being sitting at table dyneing with George, Erll of Caithnes, in the dwelling house of George Cairnis in Bellis Wynd within the burgh of Edinburgh, in sober and quiet maner, lippyning for no violence nor injurie to have bene done to him be ony persone or personis, it is of treuth that George Ousteane, tailyeour, burges Fol 35, a. of Edinburgh, accompanied with Frances Cokburne of Temple and utheris thair complices, bodin in feir of weir with swerdis, quhinyeairis, daggeris, and utheris wapponis invasive, resolveing to do some oppin effront to the said complener, come to the said Erll his yet of his ludgeing foirsaid, and, the said George Oustiane appointing the saidis personis his complices to remane about the yet untill he sould trayne furth the said complener oute of the said house, and for this effect he him selff without his cloike aboute him come in a verie swaggering maner within the said house and to the table foirsaid in the verie tyme of denner, and thair first upbraidit the said complener with mony injurious and reprotchfull speitcheis full of bitter and disgracefull calumneis; and thairefter, verie oppinlie, in audience of the said Erll and remanent personis sittand at table with him, the said George fyve severall tymes upoun end gaif the said complener the lie, saying at ilk tyme he lied in his throte lyke ane pultrone. And, the said complener, both in respect of the tyme and place and als in regaird of that dewtifull and peciable behavioure whiche become him to cary for the better observatioun of his Majesteis peace, he patientlie comporteing with this oppin insolence, he onlie raise frome the table lifting his cloik, and went doun the stairis of purpois to go to his chalmer and to leive the said George Oustiane behind him. The said George Oustaine, taking hold of that occasioun, followit the said complener hard at his bak, and, howsoone the said complener come to the yet, the said George, assistit be the personis foirsaidis, feirslie set upoun the said complener, and with drawne swerdis schamefullie, cruellie, and unmercifullie invaidit and persewit him of his lyff, gaif out mony straikis at him; and the said George kaist ane drawne quhinyeair at him, of purpois and intentioun to have slane him thairwith."—Pursuer, Fol. 35, b. and Frances Cokburne of Temple, appearing, and defender appearing by M^r^ Robert Boyd, his brother-in-law, the latter declared that defender was bedfast and in great pain "be ressoun of sindrie deidlie woundis ressaved be him frome the said Johnne Sinclair upoun the head and utheris pairtis of his body to the grite hasard and perell of his lyff, the said Johnne haveing cruellie and unmercifullie invaidit and persewit the said George for his bodelie harme and slauchter hard at his awne yet the tyme libellit." Defender is under the care of Johnne Ker, surgeon. His procurator craves the postponement of the trial till the next Council day, and the continued imprisonment of pursuer in the Tolbooth, to which he had been committed by the Provost and Bailies. The Lords, having heard the said surgeon on oath, continue the case till the next Council day, and order the Magistrates to keep pursuer prisoner.

Commissions. Fol. 67, a.

Commission under the Signet, signed by the Chancellor, Laudirdaill,

Commission to Lord Buccleuch and others for the trial of a sheep-stealer.

Kilsyth, and Sir A. Drummond, is given to Waltir, Lord Scot of Bugcleuch, the sheriff of Teviotdaill, and Riddell of that Ilk, or any two of them, to try Litle, now in the tolbooth of Hawick, for the theft of some sheep and on suspicion of other acts of theft.

Commission to Bruce of Carnock and others for the trial of Christian Brown for murder.

Commission under the Signet, signed by the same, is given to Sir George Bruce of Carnok, Sir James Bruce of Powfowllis, Johne Erskine of Litle Salbyngie, Johne Naper of Shandbody, or any two of them,—the said Sir George being always one,—to try Cristeane Broun, now in ward at the place of Tulliallan for the murder of her husband Archibald Craithe in Tulliallan with his whinger in his own house on 21st instant.

Captain of Clanranald.

Entry anent band for the Captain of Clanrannald and his uncle in same terms as given on 23rd December 1618 (*ante*, p. 490).

Minute Book of Processes.

The *Minute Book of Processes* gives the following memoranda collectively for the month of December 1618.

Ryott: Jonstoun of Be rholm a ainst Jonstoun of Thornik.

Letteris: Archibald Newtoun against William Dodis to be putt to liberty.

Letteris: Advocatt against importeris and ventneris of tobbacco.

Ryott: Jonet Miller against Robert Broun, &c.

Ryott: Johnne Allan against Johnne Diksone.

Oppressione and ryott: Menzes of Weyme against Sir Lauchlan M^{c}Intosh.

Letteris: David Mushett against Johnne M^{c}Farlan, to be putt to liberty.

Deforcment and wearing pistolletis: Lord Gordon against Sir Lauchlan M^{c}Intosh.

Oppression: Cordneris of the Canongate against the cordneris of Edinburgh.

Ryott and oppression: Andro Robison &c. against Alexander Innes.

Rebellion: Georg Todrik against Johnne Seatoun.

Ryott: Johnne Beatoun against Gilbert Rynd.

Ryott: William Mill against Johnne Fraser.

Letteris: Advocatt against importeris and ventneris of tobbacco.

Oppressione: Allan Lokhart against Alexander Lokhart, &c.

Letteris: William Jonston craving to be putt to liberty.

Complaint: David Ramsey, Gentleman of the Guard, against Johnne Murray for releiving him of a summe of money awand be Tuedie of Dreva to Thomas Barbour.

Letteris: Advocatt against importeris and ventneris of tobacco.

Rebellion: James Aikman against M^{r} Mark Ker.

Letteris: Johnne Horne, schireff clerk of Berwik, against the schireff thairof for extruding him furth of his office.

Rebellion: Dam Margaret Cairncroce against Johnne Hart.

Rebellion: Alexander Lintoun against Robert Gray.

Rebellion: Johnne Weymes against Mary Seatoun.

Minute Book of Processes.

Ryott and oppression: Hendry Young against M[r] William Naper *et e contra*.

Precognition against Sir Duncan Campbell and otheris of the name of Campbell.

Sederunts. Fol. 32, b.

Sederunt—Chancellor; Lauderdaill; Carnegye; Privy Seal; Kilsaythe; Medop; Advocate; Ridhous; Currihill; Innerteill; Marchinstoun; M[r] P. Rollok. Edinburgh, 7th January 1619.[1]

Commissions. Fol. 68, a.

Commission under the Signet, signed by the Chancellor, Lauderdaill, Carnegy, Kilsyth, R. Cokburne, Sir W. Oliphant, and Sir A. Drummond, is given to the Admirall and his deputes, the sheriff of Renfrew and his deputes, and the bailie of Cunynghame and his deputes, to apprehend and try Malcome M[c]Intailyeour, sometime servitor to the late Johne Bryse, younger in Kilblane in Gremnok (Greinnok?), who is at the horn for having failed to appear before the justice to answer the charge raised at the instance of Jonet Rankene, as relict, her children, and Johne Bryse in Kilblane in Gremnok, as father, for the murder of the late Johne Bryse, younger. Commission for the apprehension and trial of Malcolm Mac-Intaylor, charged with the murder of John Bryce, younger.

Decreta Nov. 1618–Feb. 1620. Fol. 36, a.

Sederunt—Chancellor; Lawdirdaill; Carnegye; Master of Elphingstoun; Privy Seal; Treasurer-Depute; Kilsyth; Justice Clerk; Ridhouse; Medop; Innerteill; Marchinstoun; Advocate; Currriehill; Foistersait; M[r] Peter Pollok. Edinburgh, 12th January 1619.

Complaint by Niniane Oliphant, sometime in Barnkyne of Jedburgh Forest, that Lawrence, Lord Oliphant, remains unrelaxed from a horning of 18th December last for not paying 1150 merks.—Pursuer appearing by Alexander Douglas, macer, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Caption against Lord Oliphant for debt to Ninian Oliphant.

[1] An Edinburgh incident of the 5th of January preceding is thus recorded by Calderwood (vii. p. 342):—"Upon the fyft of Januar, Mr. William Struthers, teaching in the Little Kirk, made so virolent and bitter an invective against the best professours of the toun, and worthiest of the ministrie, that the like had never been heard out of any of the pulpits of Edinburgh. What he could not expresse in words he expressed by his countenance and gesture." From the quotations from the discourse given by Calderwood, it appears that it was an invective against the popular champions of Presbytery and their conduct through the King's whole reign, with argument for submission to the Five Articles of Perth and the King's kirk-policy; and, as Mr. Struthers had hitherto been reputed staunch on the other side, the discourse made a great sensation, and was matter of talk for about a month. In his invective Mr. Struthers had gone back as far as to the famous Presbyterian Tumult in Edinburgh on the 17th of December 1596 (see *ante*, vol. v. *Introd.* pp. liv–lviii). "That day," he said, "made the Kirk smart for it sensyne. I am "sorie such things sould be registrate in our "chronicle, to our great shame. That was the "blott of Edinburgh, and the blott of the "Kirk of Scotland. They talke meikle of "these days: I know not what they were, "for I was a lade at the schoole in these "jollie dayes."

Prosecution of a number of persons for illegal import and sale of tobacco.

Complaint by the King's Advocate that the following persons have contravened the acts anent the import and sale of tobacco:—Robert Durie, skipper in Leith, Johnne Grenlaw there, Johnne Smyth in Bruntiland, Johnne Somervell in Leith, Johnne Melove there, David Brook there, Johne Wobster there, James Rutherfurd there, James Patirsoun there, David Sandielandis in Kinghorne, Andro Hutsoun in Leith, Donald Bayne, bowmaker in Edinburgh, David Schairp there, George Kincaid there, Paull Hay there, Johnne Ogilby in the Potterraw of Edinburgh, and Johnne Slowane, merchant burgess of Edinburgh. Each is charged with the sale of 10 stones of tobacco at 16s. the ounce.—Pursuer appearing, and defenders, except Johnne Slowane, being present, the Lords find that Johne Greenelaw has sold 2 lbs. at £4 the lb., David Schairp "ane pund wanting tua unce" at £4 the lb., and Johnne Ogilby 4 lbs. at the same price, and order the confiscation of the same in conformity with the acts. They find against Johnne Slowane by default for the amount libelled, he having been personally summoned on 11th instant by Johnne Layng, messenger. The Lords assoilzie the remaining defenders, because they have denied the charge on oath. Decreta Nov. 1618–Feb. 1620. Fol. 36, b. Fol. 37, a. Fol. 37, b.

Government prosecution of "a handfull of young and insolent lymmairis," or company of young debauchees and reprobates, causing riot and disorder in the city of Brechin, with names of the accused.

Complaint by the King's Advocate as follows:—"Albeit his Majestie by his royall pouer and auctoritie hes reduceit this haill kingdome, yea the rebellious and insolent personis of the laite Bordouris and of the Heylandis, to obedience and conformitie to law and justice, sua that now thair is no nuke nor corner of this kingdome disobedient," yet the said Lord Advocate is informed "that thair is a litle handfull of young and insolent lymmairis hanting within the citie of Brechin,"—viz., Alexander Levingstoun, son of James Levingstoun of Cauldhame, Thomas Lyoun, son of the late Sir Thomas Lyoun of Auldbar, Thomas Stewart, servant of the said Thomas, Andro Uday, son of Johnne Uday of Kethik, Thomas Johnnstoun, sometime servitor to the said late Sir Thomas Lyoun, and David and Patrik Barclay, sons of George Barclay, sometime of Syd. They have "schaikin af all feir of God, reverence of the law, and regarde of honnestie; doeth leive most insolentlie, laschivouslie, and contemptuously within the said citie of Brechin and pairtis thairabout, spending the time in nicht waiking, druckin excesse, ryot, and utheris villaneis; deflores menis wyffis, dochteris, and servandis; disobeyis the ordour and discipline of the Kirk; walkis up and doun Brechin in a swaggering maner with hagbutis and pistolletis, threatning the lyveis of suche of his Majesteis subjectis aganis quhome thay beir querrell; disdanes the magistratis of Brechin, and will not acknowledge thame thair office and jurisdictioun; and be thir disordouris and insolenceis they disturb the peace of the city [and] allureis unto thair societie and fellowschip utheris young and insolent personis of thair awne humour and dispositioun."—Pursuer appearing, and Andro Uday being present, but the other defenders not appearing, the Lords order the absentees to be denounced rebels, and the said Andro to find caution in 500 merks to appear before the Council whenever he be summoned. Fol. 38, a.

Decreta Nov. 1618-Feb. 1620. Fol. 38, b.

This day appeared Johnne Uday of Kettrik and became cautioner for the foresaid Andro. Caution for Andrew Uday.

Sederunt—Chancellor; Treasurer; Lotheane; Lauderdaill; Carnegie; Master of Elphingstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsyth; Ridhouse; Medop; Innerteill; Curriehill; M^r^ Petir Rollok; Marchinstoun; Foistersait; Conservator. Edinburgh, 14th January 1619.

Complaint by the bailies and inhabitants of Tranent against a charge to them by the provost and bailies of Lanark to provide themselves with the new weights.

Complaint by the bailies of Tranent for themselves and the inhabitants of that town, as follows:—They are charged by the provost and bailies of Lanrick to send some of the "nichtbouris of the said toun of Tranent" to the burgh of Lanrick to receive the new weights (*ante*, p. 393) within a very short space, under pain of horning. Pursuers "ar not personis of that rank and qualitie that can be subject to buy the saidis wechtis, inrespect the said toun of Tranent is nawyse a frie burgh, and thay have no mercatis in thair toun, nor no commerce, trade, nor handling within the same quhilk may enforce or compell thame to buy the saidis wechtis,—the body of thair toun consisting, as the Lordis of Prevey Counsaill knawis, of some few fleshouris, baikeris, and coilheweris and labourairis of the ground onlie, who hes no uther trade, calling, handling, nor industrie. And all the commoditeis quhairof thay stand in neid of, quhilkis ar boght and sauld be wecht, are bocht be thame within the burgh of Edinburgh, fra the quhilk the toun of Tranent is furnist. And it is nowayes the meaning of the Estaitis that landwart cottageis who hes nowther trade nor handling nor preuiledge of copping and selling of ony wairis and merchandice sould be onywyse burdynit to buy the saidis wechtis. Lyke as the saidis letteris direct be the saidis Lordis to that effect strykis onlie aganis prouestis and bailleis of frie burghis and citeis of royaltie and regalitie, and no utheris, as the saidis letteris beiris." They have found caution in £40 to buy the weights in case it be found they should do so.—Pursuers appearing by Robert Seytoun, and defenders not appearing, the Lords suspend the said process.

Fol. 39, a.

Similar complaint by the bailies of Dalkeith.

Similar complaint by the bailies of Dalkeith against the provost and bailies of Lanrik.—The town is described as "consisting of maltmen and labouraris of the ground, who hes no uther trade, calling, handling, nor industrie." Like Tranent, it is supplied by Edinburgh with all those goods which are sold by weight. They have found caution as in the previous case.—Pursuers appearing by James Douglas of Gogar, and defenders not appearing, the Lords give order as above.

Fol. 40, a.

Caption against James Nisbet, merchant burgess of Edinburgh, for debts to William M^c^Math.

Complaint by Williame M^c^Math, merchant burgess of Edinburgh, that James Neisbit, merchant burgess of Edinburgh, remains unrelaxed from a horning for not paying £1000 of principal and £100 of expenses, as specified in the obligation by Mathew Byres, merchant burgess of Edinburgh, as principal, and the said James and pursuer as cautioners for him, to Nicoll Kynneir, then servitor to M^r^ Johne Hay, one of the clerks of

Session, for which sum the said Nicoll has made pursuer assignee; also for not paying to pursuer 700 merks paid by him as cautioner to Sir James Lundy, and for the annual rent of £100 for the terms of Whitsunday and Martinmas 1614 and 1615, and £50 as annualrent for Martinmas term 1617, and for not paying 500 merks as the remainder of the foresaid principal of £1000 together with the sum of £6 of expenses paid by him as cautioner to Johnne Adamesoun, and for not paying 1000 merks paid by him as cautioner to James Loche, and for not paying 2000 merks paid by him as cautioner to Mr James Wilkie in the Cannogait.—Pursuer appearing by Alexander Douglas, macer, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Decreta Nov. 1618–Feb. 1620. Fol. 40, b.

Caption against Thomas Monypenny of Kinkell for non-fulfilment of obligations to John Mackieson, clerk of Crail, and his wife.

Complaint by Johnne McKiesoun, clerk of Carraill, and Katherine Philp, his spouse, that Thomas Monypenny of Kinkell remains unrelaxed from a horning of 11th December last for not infefting them in the lands of Balmungie and pertinents, "as for the principall," and in the lands of Ladernie and pertinents, "in speciall warrandice of the said landis of Balmangie," and for not paying 520 merks specified in the "bak tak," together with expenses.—Pursuer appearing by Alexander Douglas, macer, and defender not appearing, the Lords give order as above. Fol. 41, a.

Complaint of Margaret Pilmour in Ednem against John Burne for assault.

Complaint by Margaret Pilmour in Ednem as follows:—As she was coming on April last from the water of Idenhame to her house in Ednem, "with ane tub full of walter on hir head," she was attacked on the highway by Johnne Burne in Ednem. He "kaist the tub with the watter af hir head, and maisterfullie rasched hir bakward upoun the tub, and kaist hir violentlie doun thairupoun, brak hir bak thairwith, and with feit and handis lape upoun hir and cruellie and unhonnestlie strak and dang hir on hir face, breist, and uthir pairtis." Pursuer, who is over threescore ten years old, has been bedridden since the assault.—Pursuer appearing by Johnne Edmonstoun in Craigoure (?), and defender also appearing, the Lords, finding that both parties are tenants of Sir Johnne Edmonstoun of that Ilk, remit the case to him for settlement. Fol. 41, b.

William Hutcheson, messenger, against Thomas Mylne for assault.

Complaint by William Hutcheoun, messenger in Dundie, and Alexander Ogilbie of Drummachie, as follows:—Thomas Mylne at the mill of Innerquharitie was indebted to the said Alexander in certain sums, but refused to pay the same. Pursuer accordingly raised letters of poinding, and instructed the said messenger to make execution. The latter went on 26th October last to the barnyard of the said mill and poinded a stack of corn. Whereupon defender, with a number of armed accomplices, "come to the said messinger on the said stak head, and thair with lang halbertis most cruellie and unmercifullie invaidit and persewit him of his lyff, dang him af the stak head, chaissit him out of the corne yaird, and deforcit him."—Pursuers appearing, and defender not appearing, the Lords order defender to be denounced rebel. Fol. 42, a.

Caption against George

Complaint by Johnne Hendirsoun of Morres that George Auchinlek of Cumledge remains unrelaxed from a horning of 19th January 1618, for Fol. 42, b.

Decreta Nov. 1618–Feb. 1620.

not paying 1000 merks of principal and 100 merks of expenses.—Pursuer appearing by Patrik Hammiltoun, writer, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Auchinleck of Cumledge for debt to John Henderson of Morres.

Fol. 43, a.

The Lords, having heard complaints by Martene Balfour of Lalethie, on the one part, and Henry Landillis of Kilmuckis, on the other part, anent certain "insolencyis and wrangis" committed by the one against the other, and having taken order for the keeping of the peace, had sent them home. After some endeavours by mutual friends, "quha respectit both thair weillis and the peace of the cuntrey," the parties were induced to submit their differences to Sir Robert Balfour, Master of Burlie, and Balfoure of Deanemylne, arbiters chosen on behalf of the said Martene, and to M^r Patrik Wardlaw of Torry and Beatoun of Balfoure, on behalf of the said Henry. "Althocht it wes expectit that the arbitouris sould have setled the saidis pairteis in peace and quietnes, yit upoun some intervening occasionis thay have sufferit the said submissioun to desert without ony conclusioun or determinatioun tane be thame thairin. Quhairupoun the saidis pairteis hes waikynit thair former grevis and querreleis." The Lords therefore order letters to be directed summoning the said parties, the said arbiters, and M^r James Symsoun, minister at , to appear on January instant. Order anent a feud between Martin Balfour of Lalethie and Henry Landells of Kilmucks.

Complaint by Robert Sterling of Lettir as follows:—"On 22nd June last James Merser in Wester Gormok, Bessie Anstruther, his spouse, William Murray, his servitor, James Carmichaell, Alexander Downy, Williame Quhytheid, Johnne and James Clyde, all servitors to the said James, with others, all armed, went to the bridge of Mylnehoill over the burn of Loryntie, belonging to pursuer and "serveing as a commoun passage to all his Majesteis leigeis hanting and resorting that way, and in speciall as

Fol. 43, b.

a commoun passage to and fra his mylne of Glasclune." They "cuttit, distroyit, dimoleist, and kaist doun the said brig."—Pursuer appearing personally, and the said James Merser appearing for himself and other defenders, the Lords assoilzie defenders, because pursuer has failed to prove his case. Robert Stirling of Letter against James Merser and others for demolishing a bridge.

Commissions. Fol. 69, a.

Commission under the Signet, signed by the Chancellor, Mar, Lauderdaill, Carnegie, Kilsyth, Medop, and R. Cokburne, is given to George, Earl Mershall, William, Lord Keyth, the sheriff of Kincairdin and his deputes, the sheriff of Abirdene and his deputes, the Captain of the Guard and his company, Sir Robert Arbuthnot, apparent of that ilk, and Sir Thomas Menzeis of C , provost of Abirdene, to apprehend Duncane Forbes, called of Campheill, and James Abirdour, his servant, who were put to the horn on 1st instant at the instance of Nicolace Horne, as relict, George and William Keyth, as sons, Margaret, Geillis, and Sara Keyth, as daughters, Thomas Burnett, spouse of the said Margaret, John Banerman, spouse of the said Geillis, John Forbes, spouse of the said Sara, and the remaining kin of the late Gilbert Keyth in Loristoun, for not finding caution to appear on 22nd instant to answer the charge of having murdered the said Gilbert. Commission for the apprehension of Duncan Forbes and James Aberdour, at the horn for the murder of Gilbert Keith.

Edinburgh, 19th January 1619.

Sederunt—Chancellor; Treasurer; Roxburgh; Lauderdaill; Scoone; Cranstoun; Carnegy; Master of Elphinstoun; Treasurer-Depute; Privy Seal; Justice Clerk; Advocate; Kilsaythe; Bruntyland; Medope; Ridhous; Innerteill; Curriehill; Marchinstoun; Fostersait; Sir Andro Ker; Conservator. Acta Sept. 1617–July 1620. Fol. 157, a.

Order for allowance to the Bishop of Galloway, Dean of the Chapel Royal, for his life, by way of provision of a house for his deanery, out of the last term's payment of the taxation of his bishopric and annexed livings.

The Lords of Privy Council Commissioners of his Majesty's Rents,—"understanding that it is the Kingis Majesteis expres will, pleasour, and speciall directioun that the last termes payment of the taxatioun of the bischoprik of Galloway, the priorie of Quhithorne, and abb[accyis of Glenluce and Tungland], extending to the sowme of ane thowsand nyne hundreth and xx viij ℔. xvij ß. viij ₫., as being pairt of the taxatioun of tua hundreth thowsand pundis grantit to his Majestie be his Estaitis in the moneth of Marche 1617, salbe gevin and frielie allowit and dischargeit to the reverend fader in God, Williame, Bischope of Galloway, Deane of his Majesteis chappell, in fair contentatioun and satisfactioune of his house ma[ill] in all tyme cuming dureing his lyftyme, sieing he cannot be commodiouslie ludgeit and easit within his Majesteis pallice of Halyruidhous,"—give order to the Treasurer-Depute to pay over the said sum to the said Bishop. Fol. 158, a.

Act in favour of Mr. Jerome Lindsay, empowering him to institute prosecutions for adultery over the kingdom, and to receive one half of the fines and compositions thence arising, until he be paid the sum of £3000 due by his Majesty to David Lindsay, late keeper of the Tolbooth of Edinburgh, and assigned by the said David to the said Mr. Jerome.

"Forsamekle as, the Kingis Majestie being addebtit to David Lyndsay, sumtyme keiper of the Tolbuith of Edinburgh, in the sowme of thrie thowsand pundis or thairby, for the chargeis and interteynment of certane prisonneris committit to waird within the said Tolbuith be directioun of his Majesteis Counsell, the said David maid M[r] Jerome Lindsay, who wes ingadgeit as cautioner for him in divers greit sowmes of money, his assigney to the said sowme; quhairupoun his Sacred Majestie, be his letter directit to the Lordis of his Majesteis Prevey Counsall Commissionaris of his Majesteis Rentis, recommendit unto thame the ordour taking for payment and satisfactioun of the said debt; and the saidis Lordis being willing, according to his Majesteis will, [pleasour], and directioun signifeit unto thame in this mater, to take some course [for] the said Maister Jerome his satisfactioun; and sieing the necessitie of his Majesteis princelie and most important affairis cannot per[mit pay]ment to be maid of the said sowme oute of his Majesteis cofferis: thairfoir the saidis Lordis hes tane this course and ordour with [the said M[r]] Jerome for his satisfactioun and payment of the said sowme,—to wit, giff he will undertak to inquire and discover the pers[ones guyltie of] the filthie vyce and cryme of adulterie throughoute this [kingdome, and] will dilait thame to his Majesteis Justeice, gif informatioun [to his Maj]eisteis Advocatt, raise letteris and summond assyisis aganis thame, [and] produce suche verificatiounis as may gif evidence of thair guylt[ines] of the cryme, that then and in that caice he sall have and [ressave] the ane halff of the compositionis, fynes, unlawis, and pe[nalteis] of suche of the saidis personis as sall compone and tak . . . for the said cryme, or that salbe convict be ane assyise . . , or salbe fugitive fra the . . for the said cryme; and that ay

Acta Sept. 1617–July 1620.

and quhill he be fullie and compleitlie payit of the said sowme of thrie thowsand pundis, at the leist ay and quhill this present act be dischargeit."

Decreta Nov. 1618–Feb. 1620. Fol. 44, a.

[Sederunt as recorded above.]

Edinburgh, 19th January 1619.

Caption against John Anderson in Newbigging for debt to Sir Gideon Murray.

Complaint by Sir Gedeone Murray of Elibank, knight, Treasurer-Depute, that Johnne Andirsoun in Newbigging remains unrelaxed from a horning of 9th instant for not paying £240 Scots as principal and £40 Scots as expenses.—Pursuer appearing, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, take his houses, and inventory his goods for the King's use.

Fol. 44, b.

Caption against William Elliot for not finding caution.

Complaint by Robert Rutherfurde of Edyerstoun that William Ellote, brother of Robert Ellote of Reidheuch, remains unrelaxed from a horning of 25th December last for not finding caution for pursuer's indemnity under the pain of £500.—Pursuer appearing, and defender not appearing, the Lords give order as above.

Fol. 45, a.

Action by the Treasurer-Depute against John Dingwall, "customer" of Crail, for misinformation.

Complaint by Sir Gedeone Murray of Elibank, Treasurer-Depute, as follows:—Information having been given by Johnne Dingwall, "customar" of Craill, that Williame Strauchane, messenger in , "had usurpeit upoun him the office of customerie at the Stanehyve, had ressauit the entrie of schippis at the Stanehyve, had upliftit his Majesteis customes of the guidis importit thair, and had gevin his acquittanceis upoun the ressait thairof," the said Sir Gedeone called the said Williame Strauchane before the Council on a certain day, and caused notice of the day to be given to the said Johnne Dingwall, "houping that he sould have compeirit to have verifeit his informatioun." The said Johnne did not appear, and so seemed to have "colludit with the said Williame Strauchane to conceill the treuth and veritie of that mater, and sua to defraud his Majestie of his customes."—Pursuer appearing personally, and the said Johnne Dingwall, defender, also appearing, and the latter having confessed "that in the informatioun maid be him to the said Sir Gedeone in the mater foirsaid he had mistane the said Williame Strauchane his name, and that the said Williame wes not the richt man that sould have bene dilaitit," the Lords order the said John to pay £20 to the said William Strauchane, and 10 merks to each of his two witnesses by way of expenses, and that he depart not from Edinburgh till payment be made.

Fines. Fol. 50, b.

Forfeiture of caution by John Colvill in Tankerness and others.

This day appeared Robert Menteith of Egilschaw and gave in an act of court of the sheriffdom of Orkney, under the hand and subscription of Mr Harie Aitkyne, principal sheriff-clerk, showing that on 14th November last Johnne Coluill in Tankernes, James Tulloch of Lothisholme, and James Cragie of Buth became cautioners in 1000 marks for James Coluill, brother-german of the said Johne, to appear before the Council on the first Council day after the 15th instant and answer the charge preferred by pursuer, and Edward, Alexander, and Johnne Coy, his tenants, "upoun

Fol. 51, a.

the poyntis of the ly[t] precept criminall" raised before the said sheriff. Fines.
—Defenders not appearing, the King's Advocate protests that the caution money has thus been forfeited; and the Lords admit the protest, and order the said cautioners to pay over the said sum to the Treasurer.

Commission to Lord Kintail for the trial of poachers.

Commission under the Signet, signed by the Chancellor, Mar, Treasurer, Roxburgh, and Laudirdaill, is given to , Lord Kintale, to apprehend and try all tenants and servants suspected of destroying black fish in waters belonging to the said Lord Kintale. Commissions. Fol. 69, b.

Mr. Jerome Lindsay.

"Act in favouris of M[r] Jerome Lindsay" (*ante*, p. 498). Sederunts. Fol. 32, b.

Edinburgh, 21st January 1619.

Sederunt—Chancellor; Treasurer; Bishop of Glasgow; Lotheane; Roxburgh; Lauderdaill; Scone; Bugcleuch; Cranstoun; Carnegie; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsyth; Bruntiland; Ridhouse; Medop; Innerteill; Curriehill; Marchinstoun; Foistersait; Sir Andro Ker; Conservator. Decreta Nov. 1618–Feb. 1620. Fol. 45, b.

George Nauchtie and his son against Thomas and William Hay for assault.

Complaint by the King's Advocate, and George Nauchtie in Nether Ardinakorne, and William Nauchtie, his son, as follows:—There had been some "variance and contraversie" standing between Thomas Hay in Graystane and his children, on the one part, and the said George Nauchtie and his children, on the other part, but a reconciliation had been effected. Nevertheless, Thomas Hay, son of defender, went on 12th October last to pursuer's dwelling-house, and called on the said George to come forth to him. Pursuer, who suspected nothing wrong, obeyed. Whereupon Fol. 46, a. the said Thomas, "professing ane outward schaw of freindschip and kyndnes, traynit the said George ane pair of buttis fra his house; and, takand the advantage of the occasioun, seing he wes single and allane without wapone or airmour, he drew his swerd and schamefullie, cruellie, and unmercifullie invaidit and persewit the said George of his lyff, and gaif him divers deadlie woundis in sindrie pairtis of his body, especialie in the head, out of the quhilk thair is a nomber of bones taikin." On Sunday 15th November last, Williame Nauchtie, son of the said George, while coming out of the parish kirk of Crudene, was attacked by the said Thomas and his son, both being armed, and would have been slain but for the timely intervention of the people who were at the kirk. Moreover, defenders daily carry hagbuts and pistollets.—Pursuers appearing personally, and the said Thomas Hay, elder, being present, but Thomas, the younger, not appearing, and the pursuers having passed from the pursuit of Thomas, the elder, the Lords find Thomas, the younger, guilty of the charge of assault on 12th October last, but assoilzie him from the other charges. They order him to enter himself in ward within the Tolbooth of Edinburgh, there to remain at his own expense during their Lordships' pleasure. Fol. 46, .

Caption against James Kennedy of Cragilton.

Complaint by Josias Stewart of Bonytoun that James Kennedy of Cragiltoun remains unrelaxed from a horning of 17th October last for Fol. 47, a.

Decreta Nov. 1618–Feb. 1620.

breach of contract.—Pursuer appearing by Gilbert Neilsoun, advocate, and defender not appearing, the Lords give the usual order of caption.

Commissions. Fol. 71, b.

Licence is given to Johne, Earl of Cassillis, "to depairt out our dominiounis into the pairtes of France, Germany, and the Low Countreyis, thair to remane for his instructioun in languages and doing his other lawfull effairis the speace of fyve yeiris." Signed by the Chancellor, Mar, St Andrews, Ja. Glasgow. 24th January 1619. Licence to the Earl of Cassillis to go abroad.

Decreta Nov. 1618–Feb. 1620. Fol. 47, a.

Sederunt—Chancellor; Treasurer; Bishop of Glasgow; Wyntoun; Lotheane; Lauderdaill; Scone; Carnegy; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsaythe; Bruntyland; Ridhous; Medop; Innerteill; Currihill; Foistersait; Marchinstoun; M^r^ Petir Rollok; Sir Andro Ker; Conservator. Edinburgh, 26th January 1619.[1]

Fol. 47, b.

Complaint by David Johnnstoun, elder, merchant burgess of Edinburgh, that Andro Rutherfurde, eldest son of Nicoll Rutherfurde of Hundelie, remains unrelaxed from a horning of 18th July last for not paying £261 of principal, with 10 per cent. of interest and £40 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give the usual order of caption. Caption against Andrew Rutherford for debt to David Johnston.

Fol. 48, a.

Complaint by the King's Advocate and M^r^ Patrik Hepburne of Smetoun, with Thomas Davie, his tenant in the lands of Eistcraig, as follows:—On 11th instant William Leirmonth, apparent of Hill, and Frances Leirmonth, his brother, armed with hagbuts, pistollets, &c., went by direction of their father to the lands of Eistcraig, and threatened the said Thomas Davie with instant death, should he any longer serve the said M^r^ Patrik or "labour his rowme." Thomas Davie now lives in such fear of defender that he is forced "to gif over his rowme, and the same lyis now waist."—Pursuers appearing personally, and defenders also appearing, the Lords assoilzie defenders: pursuers having deponed that they saw the said Williame Learmonth, younger, with a hagbut in his hand, but that "he nowther did nor offerit ony harme or injurie thairwith," and defender having sworn that he had borrowed the hagbut "onlie to schote at kaes and craes in his dowcat and within the precinct of his house, and that he wes careying the hagbute at that tyme to Northberuik to be mendit." King's Advocate, with Hepburn of Smeaton, and Thomas Davie, his tenant, against William and Francis Leirmonth for oppression and carrying firearms.

Fol. 48, b.

Complaint by Johnne Mitchelsoun of Currie that he has been put to the horn wrongously at the instance of the ministers of the Presbytery of Dalkeith, "proceiding upon an excommunicatioun usit aganis him Order for the liberation of John Mitchelson from the Tolbooth of

[1] On the preceding day, 25th January 1619, Ben Jonson, our last glimpses of whom were in September and November 1618 (*ante*, pp. 453, 470, footnotes), had taken farewell of Edinburgh and Leith, to begin his long and leisurely walk back to London. In the interim (apparently about Christmas 1618-19) there had been his famous visit to Hawthornden and the famous literary colloquies between him and Drummond there; and affectionate letters had been passing between Ben and Drummond since then.

Edinburgh, that he may obtain absolution from the sentence of excommunication passed against him by the Presbytery of Dalkeith.

for his alledgeit not satisfeing of the Kirk in some pointis." He has lain for a long time in the Tolbooth of Edinburgh. Pursuer has offered satisfaction to the presbytery, and they have accepted the same, as is testified by a letter from the moderator and clerk of the presbytery. His imprisonment prevents him from obtaining absolution, "seing he mon be present in persone to do the same in suche forme, tyme, and maner as the said presbyterie pleis prescryve." He has found caution in 500 merks that he will obtain absolution before 1st May next.—Pursuer appearing personally, and Mr James Porteous, minister at Leswaid, Mr Patrik Turnour, minister at Borthuik, Mr William Penman, minister at Creichtoun, Mr Archibald Simpsoun, minister at Dalkeith, Mr Johnne Aird, minister at Newbotle, and Mr William Knox, minister at Cokpen, members of the said Presbytery, who had been summoned, appearing by the said Mr William Penman, "minister at Cokpen [Creichtoun]," and the said Mr James Porteous, the Lords, with consent of the presbytery, suspend the said process, and order the Magistrates to release pursuer when he has found caution for the indemnity of Mr Patrik Turnour, minister at Borthuik, in the sum of £500. Decreta Nov. 1618–Feb. 1620. Fol. 49, a. Fol. 49, b.

King's Advocate and Robert Mure of Auchtermany against James Forrest of Devyne for assault and carrying a hagbut.

Complaint by the King's Advocate and Robert Mure of Auchtirmany as follows:—James Forret of Devyne has, out of hatred to pursuer, "worne a lang hagbute at divers tymes in the moneth of December last, and hes verie fer misbehavit him selff towardis the said Robert, who is ane hairmeles man, impotent of his ane hand and unable to defend him self." On December last, defender received from pursuer a firlot "in freindlie borrowing." In two or three days pursuer had occasion to use it, and accordingly sent for it. Defender refused to return it. Pursuer "forgadderit" with him on his own fields on the last day of December, and, having asked the reason why he had refused, was violently assaulted. On the morrow the assault was renewed on the road between Tretoun and the milltown of Balgonie. Defender fired at him with a long hagbut, but fortunately missed.—Pursuers and defender both appearing, and defender having admitted that he gave pursuer "a dumpe with his hand, and that he took him be the gorget and threw him undir his feit," but having denied the carrying of the hagbut, the Lords order the defender to be committed to the Tolbooth of Edinburgh, therein to remain at his own expense till he crave pardon of pursuer, and also restore the said firlot. They assoilzie him from the charge of having borne a hagbut. Fol. 50, a. Fol. 50, b.

Martin and Thomas Balfour committed to the Tolbooth of Edinburgh.

This day appeared Henry Landillis, Martene and Thomas Balfour, Sir Robert Balfour, Master of Burley, Mitchell Balfoure of Denmylne, David Beatoun of Balfour, and Mr James Symsoun, minister at Kennwke, in answer to the charge given *ante* p. 497. The Lords, "understanding be the reporte and declaratioun of the saidis arbitoris that the caus and occasioun of the deserting of the said submissioun without ony certane conclusioun or determinatioun proceidit frome the said Martene Balfour and his sone," order the said Martene and the said Thomas to be committed to the Fol. 51, a.

Decreta Nov. 1618–Feb. 1620.

Tolbooth of Edinburgh, therein to remain at their own expense during their Lordships' pleasure.

Fines. Fol. 51, a.

Prosecution of a number of persons for carrying hagbuts and pistollets.

Complaint by the King's Treasurer and Advocate that the following persons have violated the acts anent the carrying of hagbuts and pistollets,

Fol. 51, b.

—viz., Johnne Hall in Elphingstoun, George Bruce in Airth, James Wrycht there, Daniell Bryce there, David Robesone there, Andro Hodg in Hoill, Robert Logane there, Patrik Haygein there, Johne Haig, his brother, there, Peter Davie in Lethemmylne, Alexander Bisset in Kynnaird, Thomas Bisset, his brother, in Corsbank, Johne Burne, tailor, in Bothkenner, James Andersone in the Mains there, Alexander Callender in Westertoun there, Patrik Bruce in Lurg, Archibald Maistertoun in Airth, Henry Sclanderis, smith, in Castelhill of Culrois, Thomas Pait, elder, in Craigtoun, and Thomas Pait, his sone, younger, in E[i]ster Kennet.—Pursuers appearing, and defenders, except George Bruce, James Wrycht, David Bryse, David Robesone, Johne Haigein, and Archibald Maistertoun, appearing, the Lords find that the following have violated the acts, and

Fol. 52, a.

order them to pay the undermentioned fines:—the said Johnne Hall £100, Andro Hodge £10, Robert Logane £100, Patrik Haigein £100, Patrik Bruce £40, Johne Burne 40 merks, Henry Sclanderis 40 merks, and Thomas Paitt, younger, £20. They are to be detained in the Tolbooth of Edinburgh at their own expense till they pay the said sums. The Lords assoilzie the other defenders who have appeared, and order the absentees to be denounced rebels.

Cautions in connexion with the preceding.

This day Patrik Haigeine in Hill of Airth appeared and became cautioner for [Johne] Hall in Elphingstoun, the said Johne becoming

Fol. 52, b.

cautioner in return for the said Patrik. Also, Johne Baillie of Lethame for Andro Hodge in Hill of Airth and Peter Davie in Letheme. Also, Alexander Symesone in Quhythous for Robert Logane in Hill of Airth. Also, Alexander Bissett in Kinaird for Thomas Bissit in Crosbank, his brother, and Alexander Callender in Maistertoun; and, the said Thomas Bissit for the said Alexander Bissett. Also, M[r] William Livingstoun of Greyneyairdis for Patrik Bruce in Lurge. Also, William Hairper, burgess of Edinburgh, for Johne Burne, tailor, in Bothkenner. Also Robert Rae, "marikin dresser," burgess of Edinburgh, for Henry Sclanderis. The cautions are in terms of the foregoing act of Council.

Another of the same.

This day appeared James Andersone in the Maynes of Bothkennor, and acted himself under the pain of £100 not to wear hagbuts, &c., in future.

Decreta Nov. 1618–Feb. 1620. Fol. 51, a.

Edinburgh, 28th January 1619.

Sederunt—Chancellor; Treasurer; Bishop of St Androis; Lotheane; Lauderdaill; Scone; Bugcleugh; Flemyng; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsaythe; Bruntiland; Medop; Innerteill; Curriehill; Marchinstoun; Foistersait; M[r] Petir Rollok; Conservator.

Complaint by the King's Advocate and Josias Stewart of Bonytoun, as

King's Advocate and Josias Stewart of Bonytoun against John Kennedy, younger of Blairquhan, and his servitor John Tod, for carrying firearms and for unruly conduct and violence.

follows:—Johnne Kennedy, younger of Blairquhan, "haveing now in his young and tender yeiris schaikin af the aduise, counsaill, and directioun of his speciall kynnismen and freindis who respectit his weill and standing, and haueing insinewat him selff in the company of lewde and insolent personis, contempnaris of the law and disturbaris of the peace," has "by thair pernicious example and wicked company imbarqued him selff in the course of thair lawles and insolent proceidingis," and has begun "to carey him self in all his actionis as gif he wer not subject to law and justice, and as gif he leivit not undir his Majesteis obedience." On 5th instant, he and Johnne Tod, his servitor, both armed with hagbuts, &c., went to the mill-town beside Blairquhan, where David Kennedy and William M^cFiddeis, servitors to pursuer, were for the time, and the said Johnne Kennedy then sent in to the house, where they were sitting "at the disjoyne," desiring the said David to come forth to speak with him. Defender thereupon ordered the said David to remove from the lands of Blairquhan, and threatened to put him to death if he found him there again, and also all persons connected with him. On the morrow, the 6th, defender, hearing that the said David was attending to the affairs of the said lands, armed himself with a sword, took a pistollet in his hand and another in his belt, and addressed himself to the said David, and would have shot him but for the timely intervention of some people. The said servitor, having taken horse to escape his further fury, was pursued by him on horseback, with nine or ten persons on foot, all armed with hagbuts, &c., and would have been slain had he been overtaken by them. Defender, returning to Blairquhan, ordered the ploughmen and others to cease their work, barbarously struck pursuer's oxen in the plough, and would have slain some of them had he not been prevented. He thereafter intromitted with pursuer's hay and fodder, and carried it within the gates of the place of Blairquhan. He also prevented pursuer's servants from casting a stack, and so endeavoured to starve pursuer's 24 oxen, 24 cows "with thair followaris," and 8 horses.—Pursuers appearing, and defenders not appearing, the Lords order the said Johnne Kennedy and Johnne Tod to be denounced rebels. Decreta Nov. 1618–Feb. 1620. Fol. 51, b. Fol. 52, a. Fol. 52, b.

Patrick Morison, burgess of Stirling, against Macfarlane of Arroquhar, and Macaulay of Ardincaple and his son, as responsible for two Macfarlanes fugitive from a charge of theft.

Complaint by Patrik Moresoun, burgess of Striueling, that Waltir M^cFarlane, son of the late Alexander M^cFarlane, and Robert M^cFarlane, son of M^cFarlane at Innersnaid, remain unrelaxed from a horning of 15th July 1614 for not finding caution for their appearance before the Justice on the charge of having stolen 3 'ky' and 1 'stot' from the lands of Lochend. The said persons are tenants to Ludovik, Duke of Lennox, and dwell upon his lands of Balhannane and Craigrostane. M^cFarlane is their chief: they go to his "oistis" and pay their "calpis" to him. The said laird of M^cFarlane, Allester M^cAwlay of Ardincaple, and Waltir M^cAwlay, his son and heir, as bailies to the said Duke, should be compelled to exhibit them.—Pursuer appearing personally, and the said Waltir appearing for himself and his said father, but the said Johnne M^cFarlane of Arroquhair not appearing, the Lords order the foresaid Allaster and his son to exhibit the said Robert M^cFarlane Fol. 53, a.

Decreta Nov. 1618-Feb. 1620.

or his father before the last day of May next. They order the said laird of Arroquhair to be denounced rebel.

Minute Book of Processes.

The *Minute Book of Processes* gives the following memoranda collectively for January 1619:—

Ryott: Johnne Sinclar against George Cristean.

Letteris: Lord Advocatt against importeris of tobbacco.

Rebellioun: Ninian Oliphant against Lord Oliphant.

Rebellioun: Thesaurer against Johne Porterfeild.

Suspensioun: Baylies of Tranent against the Magistrates of Lanrik, who wer charged to receave weightis and measuris.

Suspensioun: Toune of Dalkeith *pro eodem.*

Rebellione: William M^cMath against James Nisbitt.

Ryott: Margaret Pilmor against Johne Burn.

Letteris: Andro Whyt against Hary Duncan, to pay his jaylour fie.

Oppressioun: Robert Stirling against James Merser, &c.

Rebellioun: Johne Henderson against George Auchinlek.

Rebellione; William M^cMath against James Nisbitt.

Ryott: William Hutcheon against Thomas Mill.

Rebellion: Johnne Makison against Thomas Monipenny.

Rebellion: Robert Rutherfoord against William Ellott.

Proces: Thesaurer against Johnne Dingwall, to answer upon the informatioun given in be him that William Strauchan receved entries as a customer.

Oppressione: Eupham Litlejon against Robert Graham.

Ryott: William Thomson against William Stevenson.

Rebellion: Sir Gideon Murray against Johne Andersone.

Ryott: George Nauchty against Thomas Hay, *et e contra.*

Rebellion: Josias Stewart against James Kennedy.

Protestatione: Patrick Hay against Alexander Innes.

Rebellion: Colin Flesher against Anna Bothwell.

Ryott: Hepborn of Smeittoun, and Davie, his servant, against William Lermonth.

Rebellion: David Jonstoun against Andro Rutherfoord.

Precognitione against Martin Balfour and Hendry Landallis.

Warrand for imprisoning Bessie Weir.

Suspensioun: Johnne Mitchelson against Presbetrie of Dalkeith.

Ryott: Muir against Forrett.

Ryott: Josias Stewart against Johnne Kennedy.

Precognitione against certane of the name of Campbell.

Act of the Counsell declaring Sir Gedeon Murray to have done acceptable service to his Majestie in delyverie to and receaving from the Lord Hay certan furnitur belonging to the Kingis Majestie.

Sederunts. Fol. 33, a.

Sederunt—Chancellor; Treasurer; Lauderdaill; Binning; Carnegy; Fleming; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsaythe; Bruntyland; Medop; 2nd February 1619.

Ridhous; Currihill; Marchinstoun; Fostersait; Mr P. Rollok; Conservator. Sederunts.

Passing of signatures.

"Ane act aganis the passing of signatoris directlie frome his Majesteis hand to the grite seale."

Councillors to attend Chapel every Sunday.

"The quhilk day the Lord of Binning intimat to the Counsell that it is his Majesteis pleasour that the haill Counsell being in this burgh sall every Sonday attend the sermone in the palice of Haliruidhous."

Ordinance requiring the Commissioners for the transplantation of criminals to consult with the Privy Council in cases of such transplantation.

"The Lordis of Secreit Counsaill ordanis the Commissionaris of the Middle Schyris to intimat to the Commissionaris nominat for the transplantatioun that in the executioun of that peece of service concredit unto thame they use the advyce and opinioun of the Lordis of his Majesteis Previe Counsall. Lykeas Sir Gedeone Murray of Elibank, knycht, Deputie Thesaurer, ane of the saidis Commissionaris of the Middle Schyris, promeisit to caus this act and ordinance to be intimatt to the Commissionaris foirsaidis nominat for transplantatioun." Borders. Fol. 66, a.

[Here follows his Majesty's warrant for the act abovewritten]:—

"Rycht trustie and rycht weilbeloveit cousen and counsallour and rycht trustie and weilbeloved counsalloris, wee greit yow weill.—Wee wer pleasit, for the better establisching of peace in the Middle Schyres, sometyme the Bordouris of that our kingdome, to caus appoynt certane Commissionaris who amongst uther materis might tak notice of euill disposed, vagarant, and idle persones in these schyres, and, gif it wer convenient, to transplant thame, [*ante*, pp. 289, 314, 446]. And, more to the entent that that pairt of our service may the better be performed, we have thoght goode by these presentes to requyre yow that, gif any transplantatioun schalbe thocht necessarie, yee cause some of the ordinarie Commissionaris be joyned to the otheris to mak chose of the persones so to be transplanted. And, not doubting of your diligence herein, wee bid yow fairweill. Given at Newmercatt, the xiiijth of January 1619." Fol. 66, b.

Caution by Thomas Paitt for his son.

This day appeared Thomas Paitt in Craigtoun and became cautioner for Thomas Paitt in Eister Kennet, his son; and the said son Thomas, younger, became cautioner for his said father, in terms of the act of Council (*ante*, p. 503). Fines. Fol. 52, b.

Bond by Mr. Henry Sinclair, Provost of Roslin.

This day appeared Mr Henrie Sinclair, Provost of Rosling, and acted himself not to carry hagbuts, &c., under the pain of banishment.

Edinburgh, 3rd February 1619. Reciprocal caution by Sir Coll Lamont of Inverin and Lauchlan MacLauchlan of that Ilk for the relief of Colin Campbell of Ardkinglas, now

"The quhilk day in presence of the Lordis of Secreit Counsell comperit personalie Sir Coll Lawmond of Inverin, and actit and oblist him as cautioner and souirtie for Lauchlane McLauchlane of that ilk; lyk as the said Lauchlane, compeirand also personalie, oblist him and his airis as cautioner and souirtie for the said Sir Coll Lawmond: that thay for thame selffis, and takand the burdyng on thame for thair men, tennentis, and servandis, sall warrand and releve Coline Campbell of Ardkinglas, who hes the present charge and burding of the governament of the countrie of Cowall, at the handis of the saidis Lordis of Previe Counsell and at the Isles. Page 240. Page 241.

Isles.

handis of partyis grevit, for all wrongis, offensis, and attemptis to be committit be the saidis Sir Coll Lawmond and Lauchlane M°Lauchlane and thair foirsaidis quhairupoun ony action may be competent aganis the said Coline Campbell during the tyme of his said governament of the said countrie, and of all pane, skaith and danger, and inconvenient that the said Coline Campbell may incurre thairthrow. And the said Sir Coll and Lauchlane M°Lauchlane oblist thame and thair foirsaidis ather of thame to warrand utheris of the premisis for thair awne pairtis thairof."

in charge of the district of Cowall.

COILL LAMOUNT off Innerin.
LACHLAN M°LACHLAN of that Ilk.[1]

Acta Sept. 1617–July 1620. Fol. 158, a.

Sederunt—Chancellor; Treasurer; St Androis; Bishop of Ros; Perthe; Lauderdaill; Binning; Bugcleugh; Carnegye; Master of Elphingstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsaythe; Bruntyland; Medop; Ridhouse; Innerteill; Curriehill; Fostersait; Marchinstoun; M^r P. Rollok; Sir Andro Ker; Conservator.

Edinburgh, 4th February 1619.

"Anent oure Soverane Lordis letteris directit and raised upoun ane act of Secreit Counsall makand mention:—Forsamekle as, tyme, the moder of treuthe, [having] now discovereit and brocht to light the ypocrisie and dissimulatioun of Archbald, Erle of Argyle, who in outward schowe haveing maid professioun of the trew and Cristiane religioun presentlie profest and be law establisched within this kingdome, and haveing by solemne oathes and protestatiounis not only abjured all contrair religioun, as n[ame]lie the Pope and Poprie, bot with that haveing maid mony protestationis of his dewtifull obedience and alledgance to his Majestie, he hes notwithstanding of laite maid a schamefull defectioun bothe frome the one and the other, in so far as, he haveing of lait maid sute to his Majestie for a licence to go oute of the countrey, pretending the necessitie [of his] healthe, and his desyre of cure of some bodylie infirmitie by the water of the Spa, to be the onlie caus of his craveing of the said licence, and his Majestie, who is nevir distrustful of the sinceritie and loyaltie of his subjectis quhill first prooffe and experience on thair pairtis manefest the contrair, haveing willinglie grantit unto him the said licence, he accordinglie maid his addresse to the Lowe Countreyis of Flanderis, quhair he hes not onlie maid apostacie and defectioun frome the trew religioun and gois oppinlie to the messe, bot with that he is secreitlie recon[siliat] with his Majesteis proclamed traytouris and rebellis Sir James M°Donell and auld M°Ronnald, quho for thair manyfauld treassonis and insolenceis wer forceit be his Majesteis royall power and auctoritie, and for eschewing of . . . . . and punischment, to abandoun the countrey. And he is enterit in fest freindschip and in suspitious dealing and practizeing with thame, and hes thairby involved him selff

Act declaring the Earl of Argyle a traitor for not having obeyed the summons to return from his permitted residence abroad and answer for having apostatised to the Popish Religion, and for having been secretly associating in Flanders with the exiled traitors Sir James Macdonald and old Mac-Ronnald.

[1] Signatures.

in the guilte of thair treassounes, sieing be the lawis of this kingdome the ressett, supplie, intercommouning and dealing with declaired and proclamed traytouris inferris the [pane and] cryme of treassoun aganis all suche as ar guyltie thairof. And, whereas this . . of the said Erle his avowed defectioun bothe frome religioun and frome his allegeance and obedyence to his Majestie produces mony probable reassonis and argumentis that his absence and remayneing furth of this realme cannot be without suspitioun of practising aganis the estate and religioun,—thairfoir his Majestie, with advyce of the Lordis of his Secreit Counsall, by the tennour of the said act and letteris foirsaid raised thairupoun, revoikit, recallit, annullit, and dischargeit the licence foirsaid grantit be his Majestie to the said Erle of Argyle for his depairting and passing furthe of this realme and otheris his Majesteis realmes and dominionis, and ordaneit the said licence to have no force, strenthe, nor effect thairefter [*ante*, p. 467.] And anent the charge gevin to the said Erle of Argyll be Robert Winrahame, Albanie herauld, and Walter Ritchie, Kintyre pursevant, upoun the xviij, xxij, xxiij, and xxv dayes of November last bipast, be oppin proclamatioun at the mercat croce of Edinburgh, peir and schoir of Leythe, and at the mercat croces of Strivilling, Dumbartane, and Innerara, becaus the said Erll wes furth of this realme,—quhilk charge the saidis Lordis declairit to be als lawfull as gif the said Erll wer personallie apprehendit,—to have returneit within this kingdome within the speace of thriescoir dayes after the said charge, and to have compeirit personallie before the saidis Lordis this present fourt day of Februair instant, to have answerit upoun the premissis particularlie abonewrittin, and to have underlyne suche ordour and tryall thairanent as the saidis Lordis sould think meite, under the paine of treassoun, with certificatioun to him and he failyeit he sould be repute, haldin, estemit, and persewit as a traytour, and the pane of treassoun sould be execute upoun him without favour; lykas at mair lenth is contenit in the saidis letteris, executionis, and indorsationis thairof. Quhilk being callit, and Sir Williame Oliphant of Newtoun, his Majesteis Advocat, compeirand personallie for his Majesteis entres, and the said Erll of Argyll being ofttymes callit and not compeirand, nor yit he haveing returnit within this kingdome conforme to the said charge, nor no [ressone or] caus being schawne, proponeit, nor alledgit be ony in his name in the contrair: Thairfoir the saidis Lordis, according to the certificatioun of the said act and letteris raised thairupoun, do repute, hald, and es[teme] the said Erll as a traytour, and ordanes him to be persewit thairfor [and] the pane of treassoun to execute upoun him without favour. And ordanis herauldis, pursevantis, and officeris of [armes] to pas to the mercat croce of Edinburgh and otheris [placeis neid] full, and thair be oppin proclamatioun to mak [publi]catioun heirof to all and sindrie his Majesteis leiges [and sub]jectis, quhairthrow nane pretend ignorance of the same."

Acta Sept. 1617–July 1620. Fol. 158, b.

Proclamation against hunting within four miles of the palaces of

"Forsamekle as, albeit thair hes bene divers actis and proclamationis maid and publeist heirtofoir dischargeing all his Majesteis leigis and subjectis to hunt within foure myllis of his Majesteis pallaces of Halyrud-

Fol. 159, a.

Acta Sept. 1617–July 1620.

house, Falkland, Linlythgow, Strivilling, and Dumfermelyne under cer- Holyrood, Falkland, Linlithgow, Stirling, and Dunfermline.
taine paines mentionat and contenit in the saidis actis, notwithstanding it is of treuth thair is divers persones, especiallie the meanest sorte, quha without respect or regaird of the obedience of the law daylie huntes within the speace of foure myllis to his Majesteis pallaces foirsaidis, and thairby makis a great spoyll of his Majesteis game, quhairunto thay ar the rather incuraged inrespect of the bygane overs[icht] and impunitie schawin unto thame: Thairfoir the Lordis of Secreit Counsall ordanis letteris to be direct chargeing officeris of armes to pas to the mercatt croces of Edinburgh, Linlithgow, Strivilling, and Dunfermeling, and thair be oppin proclamatioun mak publicatioun of the saidis actis, and to command, charge and inhibite all and sindrie his Majesteis leigis and subjectis that nane of thame presum nor tak upoun hand to hunt within the speace of foure myillis to his Majesteis pallaces forsaidis under the [panes] contenit in the former actis and proclamatiounes maid thairanent, certifieing thame that sall do in the contrair that the saidis [panes] salbe execute upoun thame without favour."

"The Lordis of Secreit Counsall Commissionaris of his Majesteis Customs duty of twenty shillings imposed on every pound of tobacco imported.
Rentis [ordanis] that in all tyme cuming his Majestie sall have the sowme of twentie schilling[is] of custome of everie pund weyght of tobacco that salbe brocht within this kingdome at ony tyme efter the date heirof, and ordanis his Majesteis customeris and utheris haveing entres to uplift the said custome accordinglie."

Decreta Nov. 1618–Feb. Fol. 53, b.

[Sederunt as recorded in the *Acta*, with omission of *Privy Seal*.] Edinburgh, 4th February 1619.

Complaint by Andro Quhyte, keeper of the Tolbooth of Edinburgh, as Suit of Andrew White, keeper of the Tolbooth of Edinburgh, for the recovery of £108 of jailor-fees due to him by Henry Duncan.
follows:—Harye Duncane was committed to the Tolbooth on 20th August 1617 for certain wrongs done to M^r^ Petir Kennwye, and has become indebted in jailer-fee in the sum of £108, being at the rate of 4s. *per diem*. Pursuer has "used him with all kynd of favoure," but cannot "have a penny, nowther from him selff, nor frome Harie Duncane, his sone, nor frome Margaret Waldy, his spous, who hes the intromissioun with his leving, makis his furnissing in the Tolbuith, and defrayis all his othir chairges." Nor will the said M^r^ Petir pay anything.—Parties appearing personally, the Lords assoilzie the said M^r^ Petir from the claim, and order the said Harye Duncane and his spouse to take order with pursuer for payment of his fee. The Lords, understanding that the said Harye is "a poore miserable creature" who cannot get anyone to become cautioner for him, as he has sworn on his great oath in their presence, order the Magistrates to release him, in respect that his sentence was for having done wrong to M^r^ Petir and that only. The said Harye binds himself to do no harm to M^r^ Petir or his friends in future, nor to wear arms, and in his going towards the house of the said M^r^ Petir to "keipe the hie way and gait," all under the pain of death.

Fol. 54, a.

Complaint by M^r^ Robert Williamsoun, writer to the signet, that James

Caption against James Tennant of Lynhouse at the instance of Mr. Robert Williamson.

Tennent of Lynhouse remains unrelaxed from a horning of 2d December last for not fulfilling a certain contract, and for not removing from the lands of the Mains of Lynhouse "and pendiclis thairof callit Leddindorie, Leddinfrosk, and Blaiklandis," from the "maner place of Lynhouse," &c., and from the third part lands of Ovirwilliamestoun called "The Bentis" in the barony of Calder and sheriffdom of Edinburgh.—Pursuer being present, but defender not appearing, the Lords give order to the Captain of the Guard to apprehend pursuer, take his houses, and inventory his goods for the King's use. Decreta Feb. 1618–Nov. 1620.

Adjournment of the action of the inhabitants of Orkney and Shetland against James Alexander, in the matter of his claim to all wool taken from sheep by the prohibited process of pulling instead of clipping, and commission meanwhile to the Bishop and the Sheriff of Orkney to inquire and report on the antiquity there of the process of pulling the wool from sheep, and the objections to it, whether on account of cruelty to the animals or on other grounds

The Lords continue till the first Council day in July next the action raised by the inhabitants of Orknay and Zetland against James Alexander anent the production of an act and proclamation whereby all his Majesty's subjects are forbidden to pull the wool off sheep, and all wool so pulled is, by his Majesty's gift, to go to the said James. Andro Bruce of Balquharg, appearing for the said inhabitants, and James Alexander, being present, are warned *apud acta*. "And, the said Lordis being cairfull to undirstand the trew estaite of the mater, and gif the abuse of pulling of the scheipe be grevous and noysome to the poore hairmeles beistis, and prejuditiall and hurtefull to the commounweele, as is pretendit, and quhat hes bene and is the constant custome of that cuntrey in this caise, by quhat meanis and within quhat space this abuse, gif ony be, may be removed, and quhat course salbe moist expedient to be imbraceit and used heirefter in this particulair for the generall weill of the cuntrey without the privat respect of parteis, thairfore the saidis Lordis hes recommendit the examinatioun and trying of thir particularis to the bischop and schireff of Orknay and to the justiceis of peace within the boundis of Orknay, willing thame to informe thame selffis trewlie and sufficientlie in this mater, and to send thair reporte thairanent in write, closit and subscryvit be thame, unto the saidis Lordis upoun the said first Counsaill day of Julij nixtocum, with thair aduise and opinioun concerning the premissis, to the effect the saidis Lordis may thairefter proceid in the said cause as thay sall think expedient." Fol. 55, a.

Adam Hamilton against Alexander Gib for assault.

Complaint by Adame Hammiltoun, son of the late Arthour Hammiltoun, writer to the signet, as follows:—On 16th December last Alexander Gib, son of the late Gib of Carribber, went by night to the house of Johnne Redik in the burgh of Edinburgh, where pursuer happened to be, and, after uttering many threats, unmercifully assaulted pursuer with a "grite brasine chanlair," and gave him a serious wound in the head.—Pursuer appearing, but defender not being present, the Lords order defender to be denounced rebel. Fol. 55, b.

John Riddell, younger of that Ilk, against Mr. William Ker and others for removing his desk in the kirk of Morebattle.

Complaint by Johnne Riddell, apparent of that Ilk, as follows:—The session of the kirk of Morbotle having appointed "convenient and competent placeis within the kirk of Morbotle quhair the gentilmen of the parroche micht set up daskis and seattis for accommodating of thame selffis to hear the worde," pursuer set up a desk "in suche comelie and decent ordoure as apperteyned." He used it without molestation till Fol. 56, a.

Decreta Nov. 1618–Feb. 1620.

last, when, about 8 o'clock at night, M$_r$ Williame Ker, son of Johnne Ker of Jedburgh, accompanied by Elschie *alias* Alexander Ker, his man, Robert Gremscheillis, messenger, William Davidsoun in Morbotle, George Alexander there, Andro Edmonstoun there, William Pringle in Westyet there, Stevin Pringle there, Richart Ker there, Dandie Ker there, Thomas Wricht there, and others, all armed, went to the kirk, broke the doors, entered "with licht candlis," removed the said desk, and broke a part of it. They set it up in another part of the kirk "in mokadge and dirisioun." The session, "seing the lyke of that insolence had not bene commitit within the said parroche the space of mony yeiris before," took the matter up and ordered the desk to be repaired and replaced; which was accordingly done. But, on January last, the said M^r William Ker and his foresaid accomplices repeated the offence and left the desk in another part of the kirk.—Both parties appearing, the Lords find that the said M^r Williame Ker removed the desk on the two occasions, and order him to be confined within the Tolbooth of Edinburgh at his own expense till the desk and seat be replaced. They assoilzie the other defenders.

Fol. 56, b.

Commissions. Fol. 70, b.

Licence is given to Patrik Barclay of Towy to go abroad for years without skaith to person or goods, provided he behave as a dutiful subject. Signed by the Chancellor and Binning.

Patrick Barclay of Towie.

Sederunts. Fol. 33, b.

"The quhilk day the laird of Dalhoussye wes creat Lord Ramsay."

The Laird of Dalhousie.

"The quhilk day David Aikinheade, Deane of Gild of Edinburgh, Andro Conquerour, burges of Perth, Robert Keythe, burges of Abirdene, Gabriel Cunynghame, burges of Glasgu, Johnne Shearair, burges of Striuiling, and Andro Miln, burges of Lynlithqw, for the Burrowis, and Johnne Durie, James Baird, and James Hoome, for the Skipparis, compeirit befoir the Lordis of Secreit Counsaill. And the said David Aikinheade gaif in a replye to the ansueris maid and givin in be the Skipparis aganis the objectionis maid be the Burrowis quhairfoir the propositioun aganis the frauchting of strangearis shippis sould not be imbraceit. Quhilk reply wes delyverit to the said James Home in name of the Skipparis; and thay ar ordanit to ansuer upoun Twisday nixt."

Answer by the Commissioners of Burghs to the objections of the Skippers to the Act against freighting foreign ships.

Acta Sept. 1617–July 1620. Fol. 159, a.

Sederunt—Chancellor; Treasurer; St Androis; Glasgw; Abirdene; Ros; Lotheane; Lauderdaill; Binning; Cranstoun; Lord Erskene; Lord Fleyming; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsayth; Bruntiland; Ridhouse; Medop; Innerteill; Currie-hill; Marchinstoun; Fostersait; M^r Petir Rollok; Sir Andro Ker.

Edinburgh, 9th February 1619.

Fol. 159, b.

Order to Sir Gedeone Murray, Treasurer-Depute and Collector of the taxation of £200,000 granted in March 1617, to deliver to Sir Henry Wardlaw and James Baillie, receivers of his Majesty's rents, the sum of £18,000, "for the outred and dispatche" of certain affairs of state "quhilkis goodlie may not suffir delay."

Warrant to Sir Gideon Murray for the payment of £18,000 to Sir Henry Wardlaw and James Baillie.

Proclamation anent the keeping of Lent from 9th instant. The entry

New proclamation anent Lent.

CROYDON PUBLIC LIBRARIES CENTRAL

is an almost verbatim reproduction of previous entries anent Lent (*q.v.*). The penalties are as before. Acta Nov. 1617–Feb. 1620.

Band by Mac-Allaster of Largie for his concurrence with the Laird of Lundie and others in keeping the peace in Kintyre.

"The quhilk day in presence of the Lordis of Secreit Counsall compeirit personallie M^cAllaster of Largy, and actit and obleist him that he, for him selff and takand the burdyne on him for his haill men, tennentis, servandis, and utheris for quhome he is obleist to answer be the lawis of this kingdome, sall behave thame selffis as dewtifull and obedient subjectis to our Soverane Lord, that thay salbe ansuerabill and obedient to law and justeice, and that thay sall concur with the laird of Lundie and otheris who sall have the charge of the countrey of Kintyre in everie thing concerneing the furtherance and advancement of his Majesteis service concredite unto thame, under the pane of ij^m merkis." Isles. Page 241.

Edinburgh. 9th February 1619.

[Sederunt as recorded above, but with *Bishop of Brechin* in place of *Lotheane*.] Decreta Nov. 1618–Feb. 1620. Fol. 57, a.

Fleming of Boghall against William and John Pirrie for pulling his servant, James Mauchline, out of a seat he had erected in the kirk of Kilbride, and for raising a disturbance in the kirk in order to assert alleged rights of ownership in that place in the kirk.

Complaint of Flemyng of Boighall as follows:—Pursuer obtained permission from James, Archbishop of Glasgow, and the present minister and session of the kirk of Kilbryde in Cliddisdaill, to erect a seat and desk for his own use "within the queir of the said kirk," and he had it set up in accordance with the conditions prescribed. On Sunday 24th January last, pursuer, intending to go to the said kirk, directed James Mauchlene, his servant, with his books, to his said seat. Thereupoun, William Pirhie in Nuke and Johnne Pirhie, his son, went, at the instigation of Alexander Lindsay of Dunrod and Johnne Hammiltoun in Scheillis, to the said desk, pulled the said servant out of it, "and the ane of thame lap in ovir the same and the uther enterit in at the dure thairof and placeit thame selffis thairintill. And, being in his Majesteis name by the minister who wes than in the pulpitt commandit to ryse oute of the said saite, thay stubbornelie and proudlie refusit to obey his command; and Fol. 57, b. thay maid a verie grite tumult in the said kirk, and compellit the minister to come frome the pulpet and to dissolue the people and clois the durris of the said kirk all that day."—Pursuer appearing personally, and the said Alexander Lindsay and Johnne Hammiltoun and the said William and John Pirrie also appearing, the Lords find the charge proven, and declare that the said Williame and John Pirrie behaved "verie churlischelie and unmanerlie aganis the said persewair, being a gentilman fer abone thair rank and degrie, with quhome thay sould not have contestit in suche a forme, bot, gif ony wrong wes done unto thame, sould have complened and craved reparatioun thairof be the ordinar forme of justice." They order them to "acknowledge thair offence and ovirsicht commitit to the said persewair, and to crave pardoun for the same, and to forbear to mak ony forder trouble to the said persewair anent his said dask and sait, bot to suffer the same to stand in the estaite it is in ay and quhill it be removed Fol. 58, a. be ordour of law and justice." Defenders accordingly have obeyed the order, and pursuer has accepted their apologies. And, whereas defenders

Decreta Nov. 1618–Feb. 1620.

allege that the place where the said desk has been built belongs to them, "and wes designit unto thame for thair buriall and for accommodating of thame to heir the sermone," the Lords remit the question to the Archbishop of Glasgow, with power to decide the matter.

Caption against John Kennedy, younger of Blairquhan, for various debts to Josias Stewart of Bonytoun.

Complaint by Josias Stewart of Bonytoun that Johnne Kennedy, younger of Blairquhan, remains unrelaxed from a horning of 16th January for not paying 8600 merks of principal, together with the annualrent of 10 per cent. and 2000 merks of expenses, as specified in letters obligatory dated 28th January 1618; also from a horning of same date for not paying 1230 merks of principal and £100 of expenses; and from another

Fol. 58, b.

horning of same date for not paying 606 merks of principal with £100 of expenses and an annualrent of £40, 8s.—Pursuer appearing, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, take his houses, and inventory his goods for the King's use.

Caption against Bartilmo Home for debt to George Home of Lawfield.

Complaint by George Home of Lawfeild that Bartilmo Home, portioner of Sinpren, remains unrelaxed from a horning of 9th January last for not paying 3000 merks of principal, with the annual duty of £20 and 300 merks

Fol. 59, a.

of expenses.—Pursuer appearing, and defender not appearing, the Lords give order to the Captain of the Guard as above.

William and John Pirrie, and John Pirrie of Westnairton, against David Sharp, minister of the kirk of Kilbride, for injurious speeches to them in the said kirk on the occasion mentioned in a previous entry of this date, and against Fleming of Boghall for violence to them on the same occasion: the complaint dismissed.

Complaint by William Pirhie of Nuke, Johnne Pirhie, his son, and Johnne Pirhie of Westnairtoun, as follows:—Pursuers and their predecessors have long been in possession of a part of the kirk of Kilbryde for burial and the upsetting of desks and seats (*ante*, p. 512). During the

Fol. 59, b.

night of 22d January last, David Shairp, minister of the kirk of Kilbryde, "without the advise or consent of the sessioun of the said kirk or honest nichtbouris of the paroche," went to the kirk with Andro Leich and James Machling, wrights, and "at his awne hand" removed pursuers' desk and seat and put another in its place. Pursuers received no information of this proceeding till Sunday 24th January, when they went to the kirk; where, "finding ane new dask set in the place quhair thair dask formarlie stood, and the same being voyd and emptie at the ringing of the thrid bell to the preitching, thay sat doun in the said dask in a most quiet and peciable maner, expecting nothing les than ony offence to haue bene tane aganis thame for that caus, or ony passionat speccheis or uther insolenceis to haue bene attemptit aganis thame upoun that occasioun. Nochtwithstanding quhairof, it is of treuth that, the said Mr David Shairp, forgetfull of that christeane modestie and meiknes quhilk becometh a pasture to carey towardis his flock, he not onlie enterit in moist bitter, passionat, and outragious speitcheis aganis the saidis complenairis, calling thame swyngeairis and lymmairis, with mony utheris disgracefull speitcheis not worthie to be rehearsit, bot with that James Flemyng of Boghall, be his instigatioun and steiring up, come towardis the saidis complenairis quhair thay wer sitting in the dask, and, efter the uttering of mony threatning speitcheis aganis thame, he persewit thame with a drawne quhinyeair without respect had be him to the tyme and place, and had

not faillit to have slane thame wer not be the providence of God he wes stayit be some of the parrochynaris present for the tyme. And, althocht the saidis complenairis, for eschewing of trouble or commotioun within the said kirk, reteirit to ane nichtbouris dask, yit the minister, out of the malice of his hairt aganis thame, and aganis the dewtie of his calling, left the pulpet, and refuisit to preitche that day, to the greif of the haill parrochin."—William and Johne Pirrie appearing for themselves and Johnne Pirrie of Westnairtoun, and defenders also appearing, the Lords assoilzie defenders, because pursuers have failed to prove their case. Decreta Nov. 1618–Feb. 1620. Fol. 60, a.

Commission for the apprehension of Kennedy, younger of Blairquhan, and his servitor John Tod, at the horn for not appearing to a charge of carrying fire-arms.

Commission under the Signet, signed by the Chancellor, Mar, Binning, and Sir Jedeoun Murray, is given to James, Lord Stewart of Uchiltrie, Alexander, Lord Garleis, and James Kennedy of Calyeane, bailie-depute of Carrik, to apprehend and exhibit Johnne Kennedy, younger of Blairquhan, and Johne Tod, his servitor, who were put to the horn on 1st instant, at the instance of the King's Advocate and Josias Stewart of Bonytoun, for having failed to appear in answer to the charge of having worn hagbuts, &c., and threatened David Kennedy and William M^cFiddeis, tenants of the said Josias Stewart (*ante*, p. 503). Commissions. Fol. 70, b.

Band by Elizabeth Jackson, who has been sent from England by his Majesty's direction, that she will keep ward in St Andrews.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Elizabeth Jaksoun, callit Mistres Jaksoun, quho wes send heir frome England be his Majesteis directioun, and actit and oblist hir that [with] all convenient diligence sho sall addresse hir self to the citie of St Androis, and that sho sall remane thair quhill sho be fred and relevit be the Lordis of Secreit Counsaill, under the pane of ane thowsand pundis." Sederunts. Fol. 34, a.

Edinburgh, 11th February 1619.[1]

Sederunt—Chancellor; Treasurer; Bishop of St Androis; Bishop of Glasgu; Bishop of Abirdene; Bishop of Ros; Lotheane; Lauderdaill; Binning; Bugcleuch; Cranstoun; Lord Erskine; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsythe; Bruntiland; Ridhouse; Medop; Curriehill; Innerteill; Foistersait; Marchinstoun; M^r P. Rollok; Conservator. Decreta Nov. 1618–Feb. 1620. Fol. 60, a.

[1] On the preceding day there had been the occurrence which Calderwood records thus (vii. 348-349):—"Upon the tenth of Februar, "Richard Lawsone, James Cathkene, and "Jhone Meane, merchants and burgesses of "Edinburgh, and Mr. Patrik Henrisone, "reader, being summoned, compeered before "the Hie Commission. The burgesses were "accused for not coming to the kirk on "Christmas-day; for opening of their booth "doores [on that day], walking before them "in time of sermoun, disswading others from "going to the kirk, and reasoning against "preaching on that day. They answeired "they did nothing of contempt; they "reasoned to receive instruction, and to try "what warrant others had. They were "dismissed, with an admonition to be modest "in their speeches and behaviour in time "coming. Mr. Patrik was accused for absenting himself from his owne place that day, "and placing another in his rowme to tak up "the psalme. An act was made that he "sould be deposed if he did the like heerafter; against which act he protested. Mr. "William Couper, Bishop of Galloway, sent "up to the Highe Commission his advice to "make the persons cited exemples to "others."

Decreta Nov. 1618–Feb. 1620. Fol. 60, b.

Archibald Gray against Alexander Findlater and John Hunter for assault in Aberdeen: defenders assoilized.

Complaint by Archibald Gray, servant of Alexander Annand of Auchorteis, that Alexander Findlater, "littister" in Abirdene, Johnne Hunter, gunmaker there, and some armed accomplices, having met him on the "hie calsay" of Abirdene on October last, "traynit" him to a house, and thereafter assaulted him with whinyers and daggers to the peril of his life.—Pursuer appearing personally, and Alexander Findlater also appearing, but Johnne Hunter not being present,

Fol. 61, a.

the Lords assoilzie defenders, because pursuer has failed in proof.

Gilbert Johnston, "violer," against William Gray, for assault in Aberdeen: defender assoilzied.

Complaint by Gilbert Johnnstoun, violer, as follows:—While he was passing on 20th December last from the Wumenhill at Abirdene, "quhair he had reposit him selff some certane space," towards the Lochsyde, "of purpois thairfra behind the yairdis soliterlie to haue returnit bak within the burgh of Abirdene at the gait thairof callit the Gallowgaite," he encountered Williame Gray, servitor to George Bruce, saddler in Abirdene. The said Williame was in his master's backyard, having in his hand a long "staig" with a great "pyke" at the end of it, used for drawing out the leather from lime-pots. Pursuer was saluted with "glengore knove," and, before he was aware, with a great blow on the left side. He was felled by a second blow, and, when lying on his back, was badly used and almost slain with his own dagger, which defender had taken from him. He was rescued by some people who happened to be near at hand. Defender still keeps the dagger.—Both parties appearing,

Fol. 61, b.

the Lords assoilzie defender, because pursuer has failed to prove the charge.

Captions against Lord Oliphant and Alexander and Robert Fraser of Carnbulg for debt to Adam Gordon of Glenbuchat.

Complaint by Adame Gordoun of Glenbuchatt that Laurence, Lord Oliphant, remains unrelaxed from a horning of 2d July 1617 for not paying 1300 merks of principal and 400 merks of expenses, and for not paying 1000 merks of principal and 100 merks of expenses; also that Sir Alexander Fraser of Fraserburgh, knight, and Robert Fraser, fiar of Carnbulg, remain unrelaxed from a horning of 25th September 1617 for not paying 7350 merks of principal and 1000 merks of expenses, together with the ordinary annualrent of the same.—Pursuer appearing by Alexander Douglas, macer, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, take their houses, and inventory their goods for the King's use.

Commissions. Fol. 71, b.

12th February 1619. Commission for the apprehension of John Trotter for causing the death of Robert Pook.

Commission under the Signet, signed by the Chancellor, Binning, Master of Elphinstoun, R. Cokburne, and Sir William Oliphant, is given to the bailie of Laudirdaill and his deputes, the sheriff of Bervick and his deputes, Sir George Home of Manderstoun, the sheriff of Roxburgh and his deputes, Raulff Ker in Lauder, and William Home in Fernycleuch to apprehend and exhibit Johnne Trotter, servitor to Mr Christopher Cokburne, who is servitor to Johnne, Viscount Lauderdaill, and who assaulted with a dirk on 8th instant Robert Pook, servitor to Peter Maitlane, who is also servitor to the said Viscount. The said Robert died of his wound on 11th instant.

Edinburgh, 16th February 1619.[1]

Sederunt—Chancellor; Treasurer; Glasgw; Abirdene; Ros; Wyntoun; Lotheane; Laudirdaill; Scoone; Binning; Cranstoun; Carnegye; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsaythe; Bruntyland; Ridhous; Medop; Innerteill; Curriehill; Marchinstoun; Fostersait; Sir Andro Ker; M^r^ P. Rollok; Conservator. Acta Sept. 1617–July 1620. Fol. 160, a.

Mr. Robert Bruce ordered again into confinement for factious behaviour.

"Forsamekle as the Kingis Majestie . . . . . and factious behaviour of Maister Robert Bruce [and sen his en]lairgment oute of the North hes contravenit his Majesteis . . . . . a continewall hinderance to the unitie of the [Churc]h and . . . . . and his Majestie thairin, and to the . . . . . his said undewtifull behaviour . . . set a suire hinderance . . . . and his Majesteis, his Majestie hes thocht meete and expedient [that he be con]fyned in his awne house and a myle thairabout [till] his Majesteis fo[rder will] be knawne: Thairfoir the Lordis of Secreit Counsaill ordanis letteris to be direct chargeing the said Maister Robert to contene him self [in] his awin house of Kinnaird and within the boundis of a myle aboute the same, and [that] he onnawyse presoome nor tak upoun hand to exceid the saidis boundis [till] his Majesteis forder pleasour.—Followis his Majesteis missive for the warrand of the act abonewrittin.—Right trustie and right weillbeloued cousen and counsallour and right trustie and weil-beloved counsalloris, we greit yow weill. Whereas we are crediblie Fol. 160, b.

[1] This day William Couper, Bishop of Galloway, died in his house in the Canongate, Edinburgh. Calderwood devotes a paragraph (vii. 349–351) to a severe Presbyterian review of the life and character of this once celebrated Scottish bishop. After noting it as a kind of judgment or intimation of the divine displeasure on the Bishop that he had never been able to be in the pulpit again after his sermon of the previous Christmas in the Abbey Kirk in defence of the Five Articles of Perth, Calderwood adds—"He "was a man filled with self-conceate, and "impatient of anie contradiction; more "vehement in the wrong course than ever he "was fervent in the right,—wherein he "seemed to be fervent enough. He made "his residence in the Canongate, neere to the "Chappell Royall, wherof he was Deane, "and went sometimes but once in two yeers "to his diocie. When he went he behaved "himself verie imperiouslie." This last statement having been illustrated by particulars of the Bishop's proceedings in his Galloway diocese, including an estimate that by rack-renting, setting of leases, and the like, he had accumulated a fortune of at least 100,000 merks, Calderwood notices his funeral thus:—"Upon the 18th of Februar, "his corps was carried to the Grayfriers, with "sound of trumpets. The Bishop of St "Androes made the funerall sermoun in the "Grayfrier Kirk. It was noe wonder to heare "one Bishope speake to the praise of another." What Archbishop Spotswood did say in praise of the deceased Bishop Couper in his funeral sermon may be partly guessed from the terms in which he chronicles the Bishop's death in his *History* (p. 540). Referring there to the commotion among the zealous Presbyterians caused by the promulgation of the Five Articles of Perth, Spotswood says:—"They "ceased not by their libells and pamphlets "to injure the most worthy men, and among "others the Bishop of Galloway; whom they "vexed so with their papers as he, taking the "business more to heart than was needful, "fell in a sickness whereof he deceased in the "beginning of the same year. An excellent "and ready preacher he was, and a singular "good man, but one that affected too much "the applause of the popular. The good "opinion of the people is to be desired, if it "may be had lawfully; but, when it cannot "be obtained (as who is he that can please "all men and at all times?), the testimony "of a well-informed conscience should suf-"fice."

Acta Sept. 1617–July 1620.

enformed that the undewtifull and factious behaviour of Mr Robert Bruce evir since his enlargement oute of the Northe hath, contrarie to our expectatioun, bene a continewall hinderance to the unitie of the Churche and advancement of Godis service and ouris thairin, we have thoght goode by these presentis to will and require yow to confyne him in his awin house, willing him not to exceid the boundis of one myll frome the same, till our forder pleasour schalbe knawne, under the pane of our heichest displeasour. And, heirin willing yow not to faill, wee bid yow fairweill. Gevin at our palice of Whitehall, the viij of Februarie 1619." [1]

Decreta Nov. 1618–Feb. 1620. Fol. 62, a. Fol. 62, b.

[Sederunt as recorded above.]

Edinburgh, 16th February 1619. Feud between the Balfours of Lalethie and Henry Landells and his kin submitted to arbitration.

This day appeared Martene Balfour of Lalethie, and Thomas Balfoure, his son, for themselves, and the said Martene for all his kin and friends, on the one part, and Henry Landillis in Kilmuckis for himself and his friends and kin, on the other part, and submitted their feud to Sir William Balfoure, knight, and Roberte Arnote, for the first party, and Henry Durie in and Johnne Durie, skipper, for the second party, and, in case of their disagreement, to the Lords of Council. The said arbiters, being present, accepted the office, appointed the 17th instant for their meeting, and undertook to send their decreet to the Lords on the 18th instant at 12 o'clock noon, and, in case of disagreement, to appear that afternoon and report (*ante*, p. 502).

Fol. 63, a.

Caption against John Rule in Leith for various debts to George Inglis, burgess of Edinburgh.

Complaint by George Inglis, maltman, burgess of Edinburgh, that Johnne Reule, indweller in Leith, remains unrelaxed from a horning of 18th March for not paying to pursuer as assignee of Mr Patrik Henryson, "reidair at St Geillis Kirk of Edinburgh," the sum of 200 merks of principal and £20 of expenses, together with an annualrent of 10 per cent. for the said principal, as stated in letters obligatory to the said Mr Patrik, dated 26th June 1613; also, for not paying to pursuer, as assignee of Andro Hammiltoun of Harwood, the sum of 500 merks of principal and £50 of expenses; and, lastly, for not paying to pursuer, as assignee of James Weylandis, "lorymer," burgess of Edinburgh, 200 merks of principal and 40 marks of expenses, as stated in letters obligatory of 31st May 1615.—Pursuer appearing by John Ker, burgess of Edinburgh, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, take his houses, and inventory his goods for the King's use.

Commissions Fol. 72, a.

Commission for the trial of William Abernethy.

Commission under the Signet is given to the sheriff of Stirling and his deputes to try Williame Abirnathie, brother of Mathew Abirnathie in Eister Ballagane, recently apprehended by Sir Archibald Stirling of Keir. The said Williame had been put to the horn at the instance of Jonett Stirling, as relict, Walter Stirling, as only son, Walter Sterling, servitor to Sir James Erskine, indweller in the burgh of Stirling, as brother, and the

[1] For the antecedents of Mr. Robert Bruce, including his original offence in 1600, see previous volumes, from vol. IV. onwards, by Indexes.

remaining kin of the late George Stirling of Ballagane, with Sir Johne Stirling of Carden, knight, Johnne Stirling of Craigburnett, Johnne Brisbane of Bishoptoun, Johnne Hamyltoun of Bardowie, and Hew Crawfurd of Cloverhill, curators nominated by the said late George, and with the King's Advocate, for not having appeared in answer to the charge of having murdered the said George Stirling. Commissions.

In the matter of the dispute between the Burghs and the Skippers anent the Act against freighting foreign ships.

"The quhilk day the ressonis gevin in be the Burrowis anent the frauchting of strangearis shippis, the ansueris maid thairto be the Skipparis, the reply maid to the ansueris and duply maid to the reply, with the triply and ansuer thairof, wer all red in audience of the Counsell. And the Counsaill appointis Thursday nixt, the xviij of this instant, to reid the saidis writtis over agane, to reid every particulair article, and to aduise thairwith; and ordanis the pairtyis to attend to informe and resolve thame in ony questioun or doubt thay sall find thairanent." Sederunts. Fol. 34, b.

Edinburgh, 18th February 1619.

Sederunt—Chancellor; Treasurer; St Androis; Glasgw; Abirdene; Ros; Wyntoun; Perth; Lotheane; Scoone; Bugcleugh; Binning; Cranstoun; Carnegye; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsaythe; Bruntylland; Ridhous; Medop; I[nnerteill]; C[urriehill]; Fois-[tersait]; March[instoun]; Sir A[ndro Ker]; M^r^ P[eter Rollok]; Conservator. Acta Sept. 1617–July 1620. Fol. 160, b.

Sheriff of Forfar.

" . . . . of Dudop, constable of Dundie, acceptit upoun him the office of schireffship of the schireffdome of Forfair and gaif his oath to use the said office deutifullie . ." Fol. 161, a.

Decision in the matter of the freighting of foreign ships deferred till information on the subject is procured from England.

"The quhilk day the Lordis of Secrite Counsall having red, [hard, and con]sidderit the ressonis gevin in be the Burrowis of this realme aganis the restraint and prohibitioun craveit for frauchting of strangearis schippis, the answeris maid thairunto be the Skipparis, the replyis maid to the saidis ansueris, and duply maid to the reply, with the triply and ansuer thairof, and the saidis Lordis being weill advisit [thairwith], the saidis Lordis findis it meit and expedient, befoir thay tak ony conclusioun or determinatioun thairanent, that thay be informed upoun quhat [ground], causis, and motives this restreant hes bene maid in Ingland, quhat is [the tennour] of the proclamatioun maid to this effect, gif thair be only restrictionis [or limi]tationis thairin, quhat conditionis are sett doun betuix the marcheantis [and] skipparis anent thair frauchtis and conditionis of thair service, and [quhat] otheris particularis hes past in this bussynes. And for this effect thay ordour a missive letter to be wreittin to the Duke of Lennox and suche of the Scottis Counsaill as ar at Courte, willing thame to send unto the Counsaill ane trew and perfyte reporte anent thir [materis]. And thay think meete that the Burrowis sall send ane commissionar, and the maisteris of schipis ane uther commissionar, to

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attend upoun the Scottis Counsall at Courte, and to gif unto thame suche informatioun in thir particularis as goodlie thay cane. And, this being intimat to David Aikinheide for the Burrowis and to Johnne Durie for the Skipparis, thay promeist to gif thair ansuer thairanent the nixt Counsaill day."

Decreta Nov. 1618–Feb. 1620.

[Sederunt as recorded above.]

Edinburgh, 18th February 1619.

Fol. 63, b.

Settlement by the Council of the feud between Balfour and Landells.

This day appeared the four arbiters in the matter of the feud between Balfoure of Lalethie and Landillis of Kilmuckis (*ante*, p. 517), and reported that, despite much labour, they could not bring "that bussynes to ony guid conclusioun." The Lords, having accepted the said submission, called the parties before them, who agreed to obey their decision. The Lords, "being loathe to weyrie the saidis pairteis with long and unnecessar attendance upoun the deliverance of thair decrite," proceeded with the case at once, and, having heard evidence anent the attacks and bloodshed and other "inconvenientis" committed by them, decern as follows:—As they have found that the said Martene Balfoure and his children assaulted the said Henry Landillis, and that they hurt him in the manner specified in their sentence given thereupoun, also that the said Henry Landillis was assoilzied from the complaint made against him by the said Martene,

Fol. 64, b.

but that the said Thomas Balfoure received a wound in his hand at the time of the said assault, whereof he "is lyke to be mutilat," and to the effect that the agreement may be the more hearty, they decern the said Henry Landillis to pay 300 merks to the said Thomas before Low Sunday now approaching, and order the said Thomas to accept the said sum as full satisfaction. They further decern both parties to be reconciled and to chop hands (which they did with all show of friendship), and to find lawsurety, each in the sum of 1000 merks.

Government prosecution of a number of Edinburgh butchers for selling meat in Lent.

Complaint by the Treasurer and the King's Advocate as follows:—The following persons have contravened the acts forbidding the sale of flesh during Lent: viz., Robert Dalgleische, Williame Hendirsoun, Margaret Malcome, James Patirsoun, fleshers in Edinburgh, Thomas Drummond, flesher in the Cannogait, Henry Lacok, flesher in Leith, Johnne Bar there, Johnne

Fol. 65, a.

Patirsoun there, Michaell Russell, servitor to Andro Weir "in the Land mercat," Waltir Moffet there, Michaell Adamsoun there, Andro Aitkin there, Johnne Dinmure there, Thomas Kadie, servitor to Patrik Hill, Thomas Finlasoun there, Robert Gourlaw, his man, there, Johnne Corstoun there, Robert Drysdaill there, Robert Kersall, his man, there, Waltir Jamesoun, Johnne Peirsoun, Robert Langwill, servitor to William Hendirsoun, George Scottie, servitor to Waltir Dennestoun, fleshers, indwellers in Edinburgh, James Dempstair, Williame Pyet, Johnne Dunlop, William Marschell, and Johne Hendirsoun, fleshers in the Cannogait, James Lacok, Thomas Porteous, and Johne Greif, fleshers in Leith, Robert Denholme, servitor to Walter Moffet, flesher in Edinburgh, Johnne Adamesoun, James

Fol. 65, b.

Boyd, Patrik Hill, Johnne Neilsoun, William Patirsoun, Alexander

Corstoun, Johnne Bartilman, Johnne Lillie, Andro Corstoun, Gawin Williamsoun, Johnne Gibsoun, James Ros, and Williame Broun, fleshers in Edinburgh. Defenders have therefore incurred the penalty of £40.—Pursuers appearing personally, and defenders not appearing, the Lords order defenders to be denounced rebels. Decreta Nov. 1618–Feb. 1620.

John Anderson against Robert Simpson for assault.

Complaint by Johnne Andirsoun in Thornelie, as follows:—He bought "some litle quantitie" of meal in Leith in September last, and conveyed the same to his house in the west country. He was accompanied from Leith by Robert Simpsoun in Rywraith and some armed accomplices, but, when he came to the sheriffdom of Renfrew, was cruelly assaulted by them with dirks, swords, and Jedburgh staves, and left for dead.—Pursuer appearing, and defender not being present, the Lords give order as above. Fol. 66, a.

Caption against Alexander Wemyss in Leith for debt to Barbara Purves.

Complaint by Barbara Purves, spouse of Alexander Broun, elder, burgess of Edinburgh, and the said Alexander for his own interest, that Alexander Weymes, indweller in Leyth, remains unrelaxed from a horning of 18th March last for not paying £100 of principal and £20 of expenses.—Pursuers appearing by David Thomesoun, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, take his houses, and inventory his goods for the King's use. Fol. 66, b.

Sir Patrick M^{c}Kye of Large and others against Alexander Campbell and his sons for chasing and goring cattle.

Complaint by Sir Patrik M^{c}Kye of Large, Thomas M^{c} in Kerriveissell, Andro Miller there, Williame Hanna there, Martene M^{c}Quha there, Johnne Dwn there, and Patrik M^{c}Eadmont there, that Alexander Campbell in Barbuchannie, James and Williame Campbell, his sons, and others, all armed, went, on November last, to pursuers' lands of Kerreveissell, and hounded their cows and oxen "with grite mastice doigis" for two miles, and struck and gored many of them. A number of the animals died.—The said Sir Patrik appearing for himself and pursuers, and defenders not appearing, the Lords order defenders to be denounced rebels. Fol. 67, a.

Prosecution of a number of persons in Perth for illegal sale of tobacco.

Complaint by the King's Advocate that the following persons have violated the acts anent the import and sale of tobacco:—viz., James Wylie, Johnne Moir, Alexander Faithnay, Coline Wilsoun, Johnne Pitscottie, Laurence Quhattoun, Cristopher Wilsoun, Thomas Dykis, Robert Burrell, Andro Low, James Low, Williame Scott, and Constantine Lawrie, burgesses of Perth.—Pursuer appearing, and defenders not appearing, the Lords order each to pay the price of ten stone weight at 16s. per ounce. Fol. 67, b.

Edinburgh, 23rd February 1619.

Sederunt—Chancellor; Treasurer; Abirdeene; Bishop of Ros; Lotheane; Lauderdaill; Scone; Binning; Cranstoun; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsayth; Bruntyland; Ridhous; Medop; Innerteill; Currihill; Marchinstoun; Fostersait; M^{r} Peter Rollok; Sir Andro Ker; Conservator. Sederunts. Fol. 35, a.

Again in the matter of the dispute as to

"The quhilk day the Lordis, with aduise of David Aikinheade and suche otheris commissionaris for the Burrowis as wer with him, on the

Sederunts.

ane pairt, and of George Smailholme, James Home, and some otheris for the Skipparis, on the other, continewis the geving of thair ansuer yf thay will send commissionaris to Courte [*ante*, p. 518] untill the xxj day of Aprile nixttocome." the freighting of foreign ships.

Fol. 35, b.

"The quhilk day the Lordis intimat to M^cAula, tailor, that, yf James Wycht(?), prisoner in the Tolbuithe of Edinburgh for the alledgeit slauchter of umquhile , salbe clengit be ane assise of the slauchter of the said umquhile , that the said M^cCaula salbe decernit to pay the chargeis and expensis of the said James Wycht(?) dureing the haill tyme of his remaneing in warde within the said Tolbuithe." Intimation respecting an approaching trial.

"Ane missive frome his Majestie in favouris of M^cKintoshe." Mackintosh.

"Ane missive to his Majestie in favouris of Thomas Lotheane." Thomas Lothian.

"Ane missive to the justiceis of peace of Annanderdaill in favouris of Johnne Murray of Lochmaben." Murray of Lochmaben.

Decreta Nov. 1618-Feb. 1620. Fol. 68, a.

[Sederunt as in *Book of Sederunts*, with the omission of *Conservator*.] Edinburgh, 23rd February 1619.

Complaint by Mr Johnne Douglas of Kilbothe, and M^r Robert Levingstoun, parson and minister of Skirling, that James Twedy of Dreva, and Johnne Twedy, his son and heir, remain unrelaxed from hornings of 12th and 22nd May last for not paying to Hew M^cGill, "prebendair" of Corstorphin, and Jeane Craufurd, his spouse, the sum of £1000 of principal and £200 of expenses. Pursuers were appointed assignees by deed dated 26th June 1617.—Pursuers appearing by Archibald Douglas, macer, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, take their houses, and inventory their goods for the King's use. Caption against James Tweedie of Dreva and his son for debt to Mr. John Douglas and Mr. Robert Livingston.

Fol. 68, b.

Fol. 69, a.

Complaint by Sir Rorye M^cKanzie of Cogache, knight, tutor of Kintale, and Johnne Robertsone, his servitor, as follows:—On June last, James Dumbar of , with some accomplices, all armed, went to pursuer's wood of Kinlosse, and cut down 200 young trees, and carried them away with them. On 30th July, when the said Johnne Robertsoun was at the smithy of Kinlos getting his master's horse shod, Robert Dumbar, son of William Dumbar of Hemprigis, went up to him behind his back, with a drawn dirk, and gave him three deadly wounds in the head before he was aware of his presence.—Sir Rorye appearing for himself and his said servant, and defenders not appearing, the Lords find the charge of assault proven, and order Robert Dumbar to enter his person within the Tolbooth of Edinburgh, there to remain at his own expense during their Lordships' pleasure. They assoilzie James Dumbar from the other charge, because pursuers have failed to prove it. Sir Rory Mackenzie of Cogach and his servant against Robert Dunbar for assaulting the said servant, and against James Dunbar for cutting trees.

Fol. 69, b.

Acta Sept. 1617-July 1620. Fol. 161, a.

Sederunt—Chancellor; Treasurer; Bishop of Abirdene; Lotheane; Roxburgh; Lauderdaill; Scoone; Bugcleugh; Binning; Cranstoun; Carnegye; Master of Elphingstoun; Privy Seal; Treasurer- Edinburgh, 25th February 1619.

Depute; Justice Clerk; Advocate; Kilsayth; Bruntylland; Reidhouse; Medop; Innerteill; Curryhill; Fostersait; Mr P. Rollok; Conservator. Acta Sept. 1617–July 1620.

Warrant to the Master of the King's works for certain demolitions, &c., which he has reported as necessary for the effective repair of the Palace of Linlithgow.

"Forsamekle, as the Kingis Majestie haveing gevin speciall command and directioun that his Majesteis pallice of Linlithgw salbe repairit . . . . . in suche forme and maner most fittyng for his Majesteis use, the Maister of his Majesteis Workis, quho hes the charge and oversycht of this service, hes reportit unto the Lordis of Secreit Counsall that for the better and more commodious accomplisching of this worke it is verry requisite and necessar that sindrie pairtis of the said pallice betuix the new north quarter and the auld worke salbe tane doun, and that sindrie stoppingis salbe maid in the auld worke for durris, windowis, and better contryveing of that worke, and for helping of suche pairtis of the work as is faultie, quhilk he will not presome to do without warrand: Thairfoir the Lordis of Secreit Counsall ordanis and commandis the said Maister of Worke to use his awne discretioun in repairing and building of the said north quarter and in the taking doun and stopping of suche pairtis of the said pallice as he sall think meete for durris and windois and otheris easmentis and for the better contryveing and decoiring of the said pallice and repairing and mending of all faultie pairtis within the said pallice. Anent the doing quhairof and of all that he hes alreaddy done in thir particularis thir presentis salbe unto him a warrand." Fol. 161, b.

Edinburgh, 25th February 1619.

[Sederunt as recorded above.]

Decreta Nov. 1618–Feb. 1620. Fol. 70, a.

Provost, Bailies, and Council of Glasgow, for suspension of a process raised against them by Patrick Maxwell of Newark on account of trespass on his lands.

Complaint by the provost, bailies, and council of Glasgow, as follows: —Patrik Maxwell of Newark, having alleged "that some of the nichtbouris of the said citie, haveing the trade of merchandice and fischeing, troublis him in his harborie, loisis and layis thair commoditeis upoun his landis, and committis sindrie uther pointis of oppressioun upoun him," has compelled pursuers to find caution for his future immunity, and intends to put them to the horn in case of disobedience. This will be done wrongously, "becaus it is of verite that the saidis complenairis and the haill body of the said citie do stand undir verie good termes of freindschip with the said Patrik Maxuell, and he is a gentilman unto quhome thay cary all dew respect of love, freindschip, and kyndnes; and thair is no mater of questioun or contestatioun betuix him and the saidis complenairis, and he hes not nor cannot mak furth that he dreidis harme or oppressioun to be done unto him be the said communitie and bodie of the said toun. And, howevir, at some tymes of storme and unseasonable wether, some fischer boitis or litle barkis of the toun will seik refuge within his harborie, he can not thairupoun with reasoun pretend ane just and lauchfull caus quhairby he may seik this cautioun of the saidis complenairis, seing that is ane commoun dewtie of comforte usuall in all the harboreis and portis of this kingdome, and is not refuised nor denyit to

Decreta Nov. 1618–Feb. 1620. Fol. 70, b.

strangeairis. And, gif at thir tymes ony nichtbouris of the said toun of Glasgow oversie thame selffis in ony pointe of dewtie to him, quhilk the saidis complenairis hoipis he sall not be able to qualifie, he sould tak him to these whome it concernis, and sould not mak it a commoun caus of the said citie, nor sould not burdyne the body of the toun thairwith, who hes no medling nor entres thairin, the saidis complenairis being distant frome him the space of tuenty myles or thairby. And, forder, the saidis complenaris, who are provest, bailleis, and counsaill of the said citie, can not be burdynit to find cautioun for the haill toun, becaus the tyme of thair chairge and office within the said citie is bot temporall, and thay ar removable thairfra at this approtcheing Michalmes, at quhilk tyme thay wilbe bot privat men, voyd of all chairge, auctoritie, and commandiement within the toun. And, gif the said Patrik Maxuell in presence of the Lordis of Prevey Counsaill will verifie that he hes just caus to seik this cautioun of the haill body of the said citie, and will mak and gif his solemne aith thairupoun, suche ordoure salbe tane with the body of the said toun for his indempnitie and suirtie as sall gif unto the saidis Lordis of Prevey Counsaill satisfactioun." For obedience, pursuers have found caution as required.—James Stewart, provost of Glasgow, appearing for himself and in name of the bailies and council of the said city, and the said Patrik Maxuell also appearing, the Lords suspend the process of horning.

John Forbes of Camphell against Thomas Burnet and others for hamesucken and assault.

Complaint by Johnne Forbes of Camphell, as follows:—On 5th October last, Thomas Burnet of Camphaell, Andro Burnet, his brother, Johnne Burnet, brother of the late Alexander Burnet of Craigour, Alexander Gourlay in Wester Camphell, and others, all armed, went by way of hamesuckin to pursuer's dwelling place of Camphell, entered with drawn swords and dirks, searched for him, "stogging the haill beddis" and breaking up his "girnellis, kistis, and haill lokfast loomes," and held possession of the house for two hours. Pursuer, by good fortune, was not Fol. 71, b at home at the time, else he would have been murdered.—Pursuer appearing personally, and the said Thomas Burnet of Camphell and Alexander Gourlay in Wester Camphell being also present, but the said Andro and John Burnet not appearing, the said Thomas Burnet confessed that, "adverteisment being maid to him that his father-in-law Fol. 72, a. wes slane be Forbes, sone to the said Johnne Forbes of Camphell, and that the said Forbes was fled to his father's house," he passed with a number of men to the house and searched for pursuer's said son. He granted that he took a pistollet with him, but, "be the way finding he had done wrong," he put it in his pouch. He denied the "stogging" of beds, and admitted that he "schote a swerd in a girnell," in which he found nothing but malt. Since the slaughter of his father-in-law he has worn pistollets, but not before. The Lords find that the said Thomas Burnet searched the house, as stated, "that he schote ane swerd in the girnell of the said house, and that he had a pistollet on him," and order him to be confined in the Tolbooth of Edinburgh at his own expense till

he find caution not to wear hagbuts and pistollets, and not to harm pursuer or his friends and servants. The Lords, understanding that the said Alexander Gourlay who had set out with defender did not pass further than the gate, where he held his master's horse, assoilzie him from the charge. They order the absentee defenders to be denounced rebels. Decreta Nov. 1618–Feb. 1620. Fol. 72, a.

Commission for the apprehension and trial of Alexander Turner for cattle-stealing.

Commission under the Signet, signed by the Chancellor, Mar, Binning, and Kilsyth, is given to the sheriff of Abirdene and his deputes, and Sir Alexander Gordoun of Cluny, knight, to apprehend and try Alexander Turnour in Kynmuntie, who was put to the horn on 9th and 16th instant, at the instance of Andro Wobster in Birsbeg and Alexander Malcome there, for not having appeared before the Justice in answer to the charge of having stolen an ox and a cow belonging to the said Andro and two oxen belonging to the said Alexander. Commissions, Fol. 73, a.

Laird of Mackintosh.

"Ane act in favouris of M^{c}Kintoshe" (*ante*, p. 521). Sederunts, Fol. 35, b.

The *Minute Book of Processes* gives the following memoranda collectively for February 1619:— Minute Book of Processes.

Ryott: M^{r} Williame Ker against Johne Riddell *et e contra.*

Rebellion: M^{r} Robert Williamson against James Tennant.

Ryott: Adam Hamiltoun against Hendry Gib.

Letteris: Andro Whyt against Hary Duncan, for payment of his jaylour fie.

Letteris of publicatione of the revocatione of Argyls licence to remain furth of the countrey, in respect of his professed Poprie abroad.

Letteris: Martin Balfour against Hendry Landellis to submitt ane certan busines to the Lords of Counsell.

Rebellion: Josias Stewart against Johne Kennedy.

Ryott: Pirrie against Fleeming of Boghall *et e contra.*

Rebellioun: George Hoom against Bartilmo Hoome.

Ryott: Gilbert Jonstoun against Gray.

Ryott: Archibald Gray against Alexander Finlater.

Rebellion: Adam Gordon against Lord Oliphant.

Ryott: James Souter against Robert Gray.

Ryott: James Watsone against M^{r} Johne Lindsey.

Ryott: James Walker against William Drew.

Ryott: Robert Baylie against Archibald Inglis.

Complaint: Thesaurer against flesheris in Edinburgh for kiling and selling flesh in Lent.

Oppressione: M^{c}Kie of Larg against Gordon of Barbuchan.

Rebellion: Barbara Purves against Alexander Weymes.

Letteris: Advocatt against importeris of tobbacco.

Ryott: Johne Anderson against Cristean Wallace.

Proces for cutting of wood: M^{c}Kenye against Dunbar.

Letteris for wearing pistollettis: Johne Forbes against Thomas Burnett.

Ryott: Johne Forbes against Thomas Burnett.

Suspension: Burgh of Glasgow against Maxwell of Newark.

Minute Book of Processes.

Letteris to inhibit all persones from pluking, bot to clip, thair sheip, with certificatione.

Suspensione and relaxatioun: Earle of Arroll excommunicat for Popry.

Supplication: Presbetrie of Turreff for ane commission to certan persones to execut justice.

Acta Sept. 1617–July 1620. Fol. 161, b.

Sederunt—Chancellor; Treasurer; Lauderdaill; Binning; Cranstoun; Carnegye; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsaythe; Bruntylland; Ridhous; Medop; Innerteill; Curryhill; Marchinstoun; M^r^ P. Rollok; Sir Andro Ker. Edinburgh, 2nd March 1619.[1]

Proclamation for enforcing the Acts against "mureburne" after the month of March in each year.

"Forsamekle as the Kingis Majestie and his predicessoris of [sacred] memorie, considdering the grite hurt and inconvenient that the making of mureburne did produce in sindrie pairtis of this countrey, [not onlie] by corrupting and vitiatting of the air and distroying [thairby of the] flurische of all treyis and herbis neir to the pairtis quhair the mure-[burne] wes maid, gif the same fell oute, as commounlie it dois, in the spring, bot by the spoyll and distructioun of all kynd of wyld foull wh[ilkis ar] bred and fed in mureis, thairfoir his Majestie and his saidis predi[cessouris] with advyse of his Estaittis of Parliament did be divers actis and [con]stitutionis forbid and discharge the making of mureburne [in all pairtis] of this kingdome efter the moneth of Marche yeirlie, under certane [panes] mentioned and contenit in the saidis actis; quhilkis actis have [for] some certane speace efter the publicatioun thairof ressaveit

Fol. 162, a.

at sindrie [pairtis of this country], ... nevirtheles the Lordis of Secreit Counsaill . . . . the cairles animadaverting to the . . observatioun of the law . . hes renewit the former abuse of making of mureburne in all tymes [and] seasonis of the yeir, sua that now the hoip of ovirsight and impunitie hes removeit all reverent respect and obedience to the law, and hes maid the said former abuse and contempt of the same to be so universall and [commoun] without distinctioun of tymes and seassounes, to the greite huirt of the commounweile without remeid be provydit: Thairfoir the saidis Lordis of Secreit Counsal ordanis letteris to be direct chargeing officeris of armes to pas,

[1] "Tuesday the second of Merche, about 3 "a clocke in the morninge, died Queine Anna, "at Hampton Court" is the record in Balfour's *Annales* of the event which made King James thenceforth a widower. She was in the forty-sixth year of her age, and the twenty-ninth of her married life, and had been about sixteen years resident in England after her previous residence of about thirteen years in Scotland. Her body was conveyed from Hampton Court to Denmark House in the Strand, where it was to lie in state till her funeral about two months afterwards. Calderwood, who notes that she had been "long pained with sickness" before her death (vii. 351), adds—"She had appointed "great riches to be convoyed to her brother, "the King of Denmarke; but, when it came "to the King and Counsel's knowledge after "her departure, the shipp was stayed. It "was crediblie reported that her jewells, gold, "silver, plate, and clothing were worth ten "hunder thousand pounds sterline money. "The Lords of Secrete Counsel were adver-"tised of her departure upon the 7th of "Marche, and commandit to putt on doole "weeds; which they and sundrie noblemen "did. But there was litle or noe lamenta-"tion among the people."

command, charge, and inhibite all and sindrie his Majesteis leigeis and subjectis, be oppin proclamatioun at the mercat croceis of the heid burrowis of this realme and utheris plaices &c., that none of thame presume nor tak upoun hand to mak ony muirburne this present yeir nor at na tyme heirefter efter the said moneth of Merche yeirlie, under the panes contenit in the actis and constitutionis maid and publeist heiranent of befoir; certifieing [thame] that sall failyie or do in the contrair that thay salbe callit and convenit, persewit and punist [according] to the saidis lawis with all rigour; and to command and charge all and sindrie schireffis, stewartis, bailyeis of regalliteis, justiceis of peace, and utheris his Majesteis judgeis, officeris, and magistratis quhatsumevir, that thay and every ane of thame within the boundis of thair awin limittis, officeis, and jurisdictioun haif ane speciall cair and regaird to sie this present act and ordinance preceislie keipit, and to notifie the names of the contravenaris to the Counsall, to the effect the saidis contraveinaris may be callit, persewit, and punisched accordinglie, as the saidis schireffis, stewartis, bailleis, justeiceis of peace, and utheris his Majesteis magistrattis forsaidis will ansuer to his Majestie and his Counsall upoun the dewtifull discharge of thair officeis, &c." Acta Sept. 1617–July 1620.

Act requiring the Magistrates of Aberdeen to send to the Council for preservation a model of the standard measure for the sale of salmon, and the Magistrates of Edinburgh to send a model of the standard measure for the sale of herring and white fish, so as to complete the business of the establishment of a conformity of weights and measures throughout the kingdom.

"Forsamekle as, the commissionaris nominat be the lait Parliament for reduceing of the weyghtis and meassouris of this kingdome to one conformitie haveing with greit panes, travell, and diligence broght that werk to goode perfectioun by establisching and setting doun ane perfyte and juste [pro]portioun of all measoures and weyghtis, quhairwith the subjectis of this kingdome sall buy and sell, mett, measoure, wey, and delyver thair victuallis and utheris commoditeis and wairis, thay lykewayes, for eschewing of fraud and dissait quhilk corruptioun and iniquitie of tyme mycht produce anent the saidis weyghtis and measouris, statute and ordanit [that] double standartis of the samyn measouris and weyghtis sould be maid and putt in his Majesteis registeris within the castellis of Edinburgh and [Dumbartane, thair to remain] for warrandis of the weychtis and measouris in all tyme cuming, as the act maid be thame to this effect beiris. Quhairunto the burrowis who hes the charge of the saidis measouris and weychtis haveing givin dew obedience by sending in to the Lordis of his Majesteis Previe Counsall dowble standartis of the saidis weychtis and measouris, quhilkis accordinglie ar putt in his Majesteis saidis castellis, thair restis now that the lyk course and ordour be tane anent the measure and standart for salmond and for herring and quhytefische, quhairwith the saidis commissionaris medlit not, inrespect of divers actis of Parliament maid be his Majestie and his predicessoris establisching the jadge and measure of salmond, herring, quhytfische,—especiallie ane act maid in his Majesteis aucht Parliament, cap. 141, be the quhilk it is statute and ordaneit that, for eschewing of fraud and of fauls and unjust packing of salmond, herring, and quhytfische, thair sould be ane measure and standart maid for the salmond to remane at the burghe of Aberdeine, and that ane standart and measure sould be maid for herring Fol. 162, b.

Acta Sept. 1617–July 1620.

and quhytfische to remane in the keiping of the Provest and Bailleis of Edinburgh. Of the quhilkis standartis for salmond, herring, and quhytfische necessar it is that doublis be maid and brunt be the saidis burrowis of Edinburgh and Abirdeine who hes the charge thairof, and that they be send be thame to the saidis Lordis of Secreit Counsall, to the effect thay may be put in the saidis castellis of Edinburgh and Dumbartane, thair to remane with the utheris standartis foirsaidis as warrandis in all tyme cuming. For quhilk purpois the saidis Lordis ordanis letteris to be direct chairgeing the saidis Provest and Bailleis of Edinburgh and [Abirdeine], quho hes the charge of the measuris and standartis for salmond, [her]ring, and quhytefische, to mak and caus be maid and brunt, girdit, . . . double and perfyte standartis and measouris thairof, and [to present] and exhibite thame befoir the saidis Lordis upoun the day of nixtocum, to the effect they may be put in the said [castellis of] Edinburgh and Dumbartane, and that accordinglie the haill subjectis of this kingdome quhome this mater concernis may be com[mandit] to gif obedience to the actis and ordinances formarlie maid [thair]anent, undir the paine of rebellioun and putting of the saidis provestis and bailleis to the horne, with certificatioun to [thame] and thay failyie letteris salbe direct *simpliciter* to putt thame [thairto]."

Decreta Nov. 1618–Feb. 1620.

[Sederunt as recorded above.]

Edinburgh, 2nd March 1619.

Fol. 72, a.

Caption against John Gordon and Mr. George Ramsay for debt to George Carnebie.

Complaint by George Carnebie, burgess of Edinburgh, that Johnne Gordoun, portioner of Eirnislaw, and M[r] George Ramsay, minister of Leswaid, remain unrelaxed from hornings of 8th and 9th February last

Fol. 72, b.

for not paying 200 merks of principal and £30 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, take their houses, and inventory their goods for the King's use.

Caption against Mackintosh of Aberardour and Ross of Innercharron.

Complaint by William Bennie, maltman, burgess of Edinburgh, that Duncane M[c]Intosche of Abirardour and Williame Ros of Innercharrone remain unrelaxed from a horning of 23d October last for not paying for 10 "ky" at £16 each and £20 of expenses.—Pursuer appearing by James Logie, "agent," and defenders not appearing, the Lords order as above.

Fol. 73, a.

James Scott of Huntlie against his mother-in-law Lady Newton for abstraction and mutilation of a document.

Complaint by James Scot of Huntlie as follows:—"Helene Grymslay, Lady Newtoun, mother-in-law to the said complener, being debtfull to him in a certane sowme of money for his tochergood, and the said complenair haveing with grite patience bidding hir laser and tyme of payment, being loathe to be hard with or to entir in questioun or contestatioun with hir for that caus, in end, efter mony difficulteis and impossibiliteis pretendit be the said Helene quhairfore scho could not gif unto the said complainer satisfactioun, sho propinnit unto him to accept ane assignatioun to ane contract past betuix hir and Waltir Turnble of Rafflat, in the quhilk he wes obleist to hir in the sowme of ane thowsand merkis, with some expensis and byroun annuellis thairof. Quhilk assignatioun the said

complenair verie willinglie acceptit, and the same wes subscryvit be hir in dew and autentik forme with all solempnitie requisite; quhairof the said complenair maid intimatioun to the said Waltir, and usit inhibitioun aganis him thairupoun. And, the said Helen repenting that scho had maid the said assignation, presomeing so fer of the said complenairis kynd affectioun to hir that he wad nevir haif distressit hir with payment of that sowme, scho thairfore resoluit be ane meane or uther to come be the said assignatioun and to cut him schorte thairof. And for this effect scho come upoun the day of last to the said complenairis house, pretending hir earand to be to visite hir dochter, the said complenairis wyff; and, being ressaved and welcomed be the complenair with sic hairtie schawis of love and kyndnes as become a dewtifull sone to his mother-in-law, scho remanit in his house till the day of last, being Sonday, evir awaiting the opportunitie to come be the said assignatioun. And during hir aboad in his said house scho had credite of all lokfast housis and loomes within the same. And, persaveing a nomber of his writtis lyand in his chalmer, presomeing that the said complenairis said assignatioun wes amongis thame, scho pretendit ane excuse quhy scho aucht not to go to the kirk that day, and stayed behind in the said complenairis house. And he and his familie went to the kirk. In the meantyme, quhen thay wer at the sermone, scho mellit with the said compleneris said assignatioun, and immediatlie took hir horse and road away without a goodnicht or fairwele. And, efter sermone, the said complener haveing come home and missing hir, and apprehending that hir suddant and unexpected depairture importing litle guid unto the said complener, he past to his chalmer to looke over his writtis, and mist his assignatioun. Quhairupoun he tooke his horse and followit hir; and, haveing ovirtane hir, and in verie modest and gentill termes with all kynd of respectis and dewtie haveing demandit of hir quhairfore scho mett the said complenair with so grite unkyndnes and took away his propper write, scho preast at the first to deny the same, bot, being guilty in hir awne conscience of the awaytaking of the said complenairis said assignatioun, hir awne unconstant and unsetled speitcheis bewrayed hir, and so scho come to a confessioun that scho had tane the said assignatioun, and layd it by in a corner of the house; offering to ryd bak with him, and to lat him sie quhair it wes lyand. Whairwith he restit satisfeit. Thay come bak togidder till thay come foiranent the goodman of Sintonis house, quhair scho loote hir hat fall, as gif it had blowne af hir head. And, making that ane excuse for hir to licht and to richt hir clotheis aboute hir, as scho pretendit, scho went into the house, as seamed for that caus; and, being tane ben to the chalmer, haueing the goodwyff of Sintonis servand woman with hir, scho closit the dure and gaif the assignatioun to the young gentilwoman to reid, becaus scho could not reid hir selff. And, how soone scho hard and knew be reiding thairof that it wes the assignatioun, scho askit of the gentilwoman quhair hir subscriptioun wes. Quhilk being schawin unto hir undir the handis of tua notaris, scho rave the subscrip-

Decreta Nov. 1618–Feb. 1620. Fol. 73, b.

Fol. 74, a.

Decreta Nov. 1617–Feb. 1620.

tioun fra it, and than oppygned the dure and with a jesting and scornefull countenance kaist the revin assignatioun unto the said complener with suche disgracefull and vickyiid speicheis as wes moist unseameing in the persone of a moder to so kynd and loveing a sone. Quhairwith he patientlie comportit without geving ony misbeholdin wordis unto hir, assuireing him self the Lordis of Secrite Counsaill will tak suche ordour for his reparatioun and redres as the caus it self in the nature and circumstanceis thairof requires."—Pursuer and defender appearing, the former produced the assignation, with the subscription "batterit and put to agane" by him. Defender admitted that "scho had maid and subscryvit the assignatioun, foirsaid and deliuerit the same to the said persewair upoun promeis and conditioun maid be him to have gevin hir ane bak band that, he being payit of his just debt and of the expensis that he sould
Fol. 74, b. bestow in suteing and recovering payment thairof, that he sould seik no forder benefite be virtew of the said assignatioun, and, becaus the said persewair refusit to gif hir this bak band according to his promeis and conditioun past betuix thame, scho raive hir subscriptioun fra the said assignatioun." The statements of both pursuer and defender having been heard, the Lords find that defender acted in a very lawless and insolent manner, declare the assignation to be as valid in law as if it had never been torn, and order pursuer to give defender a back-band in the terms abovementioned.

John Hart, son and heir of the late Sir William Hart, against his mother, for abstracting his charter-chest and documents.

Complaint by Johnne Hairt, son and heir of the late Sir Williame Hairt of Prestoun, knight, and heritable proprietor of the lands of Litle Prestoun and Levelandis, as follows:—Shortly after the decease of his father, pursuer, and his mother, Dame Margaret Cairnecors, examined the charter chest. The papers which concerned his mother were delivered to her, and pursuer's were put in a trunk. "The same trunke with the key thairof wes deliverit to him be his said mother, and wes placeit be him with his motheris consent in ane chalmer within the place of Prestoun, quhair he lay him selff." Soon thereafter, having occasion to go to Edinburgh, "for the gritter suirtie of his chairtour kist, not onlie the
Fol. 75, a. dure of the chalmer quhair the trunke and kiste stood, bot, be the speciall knowledge, consent, and allowance of his said mother, he causit naill the said chalmer dure, constantlie expecting that his said mother sould have intertenyit that naturall love and affectioun towardis him quhilk become a loveing mother to do, and that his writtis sould haue bene in als grite ane suirtie within the said place of Prestoun for his use and behoof as gif he had carryit thame with him elsquhair." Nevertheless, defender, "schaiking af all respect of dewtie and love to hir said sone," caused the chamber door to be forced within four days of his departure, "viciat" the lock of the chest, and carried the same to Edinburgh or elsewhere. Pursuer is informed that she has broken up the said trunk and "sparpallit the said complenairis writtis and evidentis among hir familiaris and freindis, of purpois to breid and furneis unto him ane endles actioun and pley for recoverie of the saidis writtis out of hir handis; and he hes mony

probable conjectures and suspitionis that scho sall vitiat, cancel, and distroy the saidis evidentis and writtis in haill or in pairt, and sua altogidder wrake and undo the said complenair."—Pursuer and defender appearing, and the latter having admitted the truth of the intromission with the said writs, the Lords order defender to produce them before the Lords of Council and Session on Friday next (*cf. ante*, pp. 464, 486). Decreta Nov. 1617–Feb. 1620. Fol. 75, b.

Edinburgh, 4th March 1619.

Sederunt—Chancellor; Treasurer; Lauderdaill; Bugcleugh; Binning; Cranstoun; Carnegye; Master of Elphingstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Bruntylland; Kilsaythe; Medop; Ridhouse; Innerteill; Advocat; Curriehill; Fostersait; Marchinstoun; M^r^ P. Rollok; Conservatour. Acta Sept. 1617–July 1620. Fol. 163, a.

Act anent the burgh of Edinburgh, ordering the Magistrates to take steps for removing the reproach of its extreme filthiness.

"Forsamekle as the burgh of Edinburgh, quhilk is the cheif and principall burgh of this kingdome, quhair the soverane and heiche courtis of Parliament, his Majesteis Previe Counsall and Colledge of Justeice, and the courtis of Justiciarie and Admiralitie ar ordinarlie haldin and keipt, and quhairunto in that respect the best pairt of the subjectis of this kingdome, of all degreis, rankis, and qualliteis, hes a commoun and frequent resorte and repair, is now become so filthie and uncleine, and the streitis, vennallis, wyndis, and cloisis thairof so ouerlayde and coverit with middingis, and with the filthe and excrementis of man and beast, as the nobilmen, counsalloris, senatoris, and utheris his Majesteis subjectis quho ar ludgeit within the said burgh can not have ane clene and frie passage and entrie to thair ludgingis, quhairthrow thair ludgeingis ar become so lothsum unto thame as thay ar resolved rather to mak choise of ludgeingis in the Cannogate and Leyth or som utheris pairtis aboute the toun nor to abyde the sicht of this schamefull uncleannes and filthienes, quhilk is so universall and of suche aboundance through all the pairtis of this burgh as in the heitt of sommer it corruptis the air and gives greit occasioun of seiknes: And forder this schamefull and beistlie filthienes is most detaistabill and odious in the sicht of strangeris, quho, beholding the same, ar constrayned with reassoun to gif oute mony disgracefull speichis aganis this burgh, calling it a most filthie pudle of filth and uncleannes, the lyk quhairof is not to be seine in no pairt of the world[1]: Quhilk being a great discredite to the haill kingdome, that the principall and heid burgh thairof sould be so voyde of pollicie, civilitie, ordour, and goode governement as the hie streittis of the same cannot be keipit cleine; and the Lordis of Secreit Counsall understanding perfytlie that the said burgh and all the streittis and vennallis thairof [may] verrie easelie and with litill ado be keipit and haldin cleane, gif the people thameselffis wer weill and civillie disposit, and gif the Magistratis [had a] cair to caus thame

[1] Is this a reference to the satirical description of Scotland and Edinburgh in 1617 ascribed to Sir Anthony Weldon, who was in King James's retinue in the royal visit to Scotland in that year? See it reprinted in the volume entitled *Early Travellers in Scotland*, edited in 1891 by Mr. P. Hume Brown.

Acta Sept. 1617-July 1620.

and everie ane of thame keipe the streittis . . . thair awin boundis clein, as is done in other civill, handsome, and w[eill] governit cityes: Thairfoir the Lordis of Secreit Counsall commandis and ordaines be thir presentes the Provest and Bailleis of Edinburgh to [mak] and sett doun some setled and solide ordour and course how the said burgh and the cloisis, wyndis, and streittis thairof may be haldin and keipit cl[ene], the middingis and all uther filthe and uncleannes removed and tane

Fol. 163, b.

. . . . . .
streittis . . . . . , and
that na nychtbours lay thair middingis, souppingis of thair housis, nor no uther filthe upoun his nichtbouris boundis and hie streitis, under some reassonable paines to be impoisit and exactit of the contravennaris. And that the saidis Provest and Bailleis appoynte a constabill for every close to sie thair ordinance put in executioun, and the contravennaris punist be exacting of the saidis paines frome thame: certifeing the saidis Provest and Bailleis, gif they be remisse or negligent heirin, the saidis Lordis will tak thame to thame selffis, and accordinglie will tak suche ordour heirin as they sall think expedient."

Isles. Page 241.

Commission to Campbell of Lochinyell for the rule and administration, during the absence of the Earl of Argyle, of the lands of Sunart and Ardnamurchan, belonging to the said Earl.

"Forsamekle as, in the course and ordour tane be the Lordis of Secreit Counsall for reteining and keiping of the boundis and landis perteyning to Archibald, Erll of Argyll, under his Majesteis peace and obedience dureing the absence and remaneing of the said Earll furth of this kingdome, thair wes na ordour tane at that tyme for the peace and obedience

Page 242.

of the landis of Sowart and Arnamurchine, quhilkis ar a pairt of the said Earllis proper landis and heretage, sua that, thay being left louse and no mentioun maid of thame at the tyme nor no persone appoyntit to haue the charge and commandement of the same, the inhabitantis thairof takis thairupoun occasioun to break louse, and sindrie disordouris, insolenceis, and enormeteis hes bene and daylie ar committit within the saidis boundis, and forder misreull and unquyetnes will not faill to fall oute thairin to the disturbance of the peace of that pairt of the countrey, without remeid be provydit; and quhairas the boundis and countrey of Lorne, quhairof Campbell of Lochinyell hes the charge, lyis most neir and ewest to the saidis landis of Sowart and Ardnamurchine, and the Lordis of Secreit Counsall understanding that he is the most fitt and meite persone to be trustit with the charge of the saidis landis of Sowart and Ardnamurchine: Thairfoir the saidis Lordis hes committit, and be the tennour heirof committis, the charge, ouersycht, commandement, and governament of the saidis landis of Sowart and Ardnamurchine to the said Campbell of Lochinyell, with power to him to tak ordour for keiping of the saidis boundis in quyetnes and under his Majesteis obedience, and for apprehending and punisching of malefactoris within the saidis boundis, and making of thame ansuerabill and obedient to law and justeice for all offensis to be committit be thame efter the day and date heirof indureing the tyme of this present charge and commissioun, in such forme and maner as he is haldin to do with the landis of Lorne; with power to him

alsua to do and performe all and every uther thing for the peace, quyetnes, and obedience of the saidis boundis quhilkis the said Erll of Argyll mycht or sould have done him selff, gif he wer personallie present: for doing quhairof thir presentis salbe unto him ane sufficient warrand and commissioun: commanding heirby all our Soverane Lordis leigis and subjectis within the boundis of Lorne, Sowart, and Ardnamurchine to reverence, acknawledge and obey, concure, fortifie and assist the said Campbell of Lochinyell in all and every thing tending to the furtherance and advancement of his Majesteis auctoritie and service within the boundis abonewrittin, for retening, keiping, and halding of the saidis boundis in peace, quyetnes, and obedience, and in the persute, apprehensioun, and punisching of malefactoris and delinquentis within the saidis boundis, as they and every ane of thame will ansuer to the Kingis Majestie and to the saidis Lordis upoun thair obedience at thair heichest pane, charge, and perrell. And the saidis Lordis ordanis thir presentes to stand in force and to continew to the first Counsall day of Junij the yeir of God j^{m}vj^{c} and tuentie yearis, and thairefter ay and quhill the said Campbell of Lochinyell compeir personallie befoir the saidis Lordis and lauchfullie discharge him selff of this present commissioun. And that letteris be direct heirupoun gif neid beis in forme as effeiris." Isles. Page 243.

Edinburgh, 4th March 1619.

[Sederunt as recorded above, with the omission of *Advocate*.] Decreta Nov. 1617–Feb. 1620.

William Watson, burgess of Glasgow, against George Speir for assault.

Complaint by William Watsoun, flesher, burgess of Glasgow, that George Speir, son of George Speir, flesher, burgess of Glasgow, who had been banished the burgh "fra tyme to tyme" for committing many "insolenceis and avowit oppressionis" within the same, returned on last, cruelly assaulted pursuer with a drawn dirk on the High Street of the city, and would have slain him but for the timely intervention of neighbours. —Pursuer appearing, and defender not appearing, the Lords order defender to be denounced rebel. Fol. 75, b. Fol. 76, a.

Caption against John Jardine of Balgray for non-fulfilment of contract.

Complaint by Andro Johnnstoun, son of the late William Johnnstoun of Newark, that Johnne Jerdane of Balgray remains unrelaxed from a horning for not observing a contract made on 21st May 1610 and 7th October 1615 between defender, with advice of Johnne Jerdane, apparent of Apilgirth, and pursuer, and registered on 16th October 1615.—Pursuer appearing, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, take his houses, and inventory his goods for the King's use. Fol. 76, b.

Caption against John Douglas of Killevarren for debt to William Douglas of Cashogill.

Complaint by William Douglas of Caschogill that Johnne Douglas of Killevarrane, now in Stanehouse, remains unrelaxed from a horning of 8th February last for not paying to him, as assignee of James Aikman, merchant burgess of Edinburgh, the profits of certain lands "quhilkis the said James Aikman, cedent, micht haif had," and for not paying £25 of expenses.—Pursuer appearing, and defender not appearing, the Lords give order as above. Fol. 77, a.

Sederunts. Fol. 36, a.

"Ane act dischargeing the course of foreyne coyne and the transporte of coyne." Foreign Coin.

Commissions. Fol. 73, b.

Commission under the Signet, signed by Binning, Sir W. Oliphant, and Sir G. Murray, is given to Thomas and Johne Boyd, bailies of the barony of Kilmarnok, to apprehend and try Johnne Tailyeour in Midcullarie "within the Hairschaw mures of Kilmarnok," who is suspected of theft. 6th March 1619. Commission for trial of John Taylor for theft.

Acta Sept. 1617–July 1620. Fol. 163, b.

Sederunt—Chancellor; Treasurer; Lauderdaill; Bugcleugh; Binning; Cranstoun; Carnegye; Master of Elphingstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsathe; Bruntylland; Ridhouse; Medop; Innerteill; Currihill; Fostersait; M^r^ P. Rollok; Sir Andro Ker; Conservator. Edinburgh, 9th March 1619.[1]

"Forsamekle as, the transporting of gold and silver furth of this kingdome and the tollerationn of the course of forreyne coyne within the same being fund be the Kingis Majestie and his Estaittis of Parliament to be verry hurtfull and prejudiciall to the commounweill and verry disgracefull to his Majesteis royall governament, thairfoir his Majestie, following the exam[ple of his] predicessoris of worthie memory in this caice, causit divers goode . . . and actis to be maid alsweill for restrayneing of that abuse, quh[ilk is] ane contempt and offence most pernitious and wicked aganis [the lawis] of the haill kingdome, as for punisching of the same; quh[ilkis lawis] althocht they yit stand in force and that the cair and di[ligence of] his Majesteis Counsell hes not beine wanting to discover and punisch the transgressoris and v[i]olattoris of the same lawis, nevirthe-[les the] privat respect of gayne, conjoynned with the hoip of . . . in regaird of the infinite schiftis to avoyde the searche is so . . and violent in the hairtis alsweill of some his Majesteis [subjectis as] of strangeris, whose actiounis and projectis in materis . . . and intercourse hes ane only end, to wit the unlaw[full] . . . gayne, without regaird of conscience or reverence . . . as it hes maid and makis the effectis and executioun of all [lawis] and pollicyis that hes or can be useit in the contrair [to be] . . . and frustratt, in so far as the Fol. 164, a. proper coyne of this kingd[ome] . . of weyght . . . . . forreyne pairtis and plaineand oppin merchandice and change . . for forreyne coyne being outher bas or light and mint housis ar . . in forreyne pairtis with the goode coyne of this kingdome, and forreyne coyne is broght hame in greate aboundance and outit be the hamebringaris thairof at heiche pryceis far abone the availl, and is now universallie current in paymentis, tradis, wissilling, and utherwayes, the diversitie Act renewing former acts against the currency of foreign coin in the kingdom, and against the export of native coin.

[1] On the preceding Sunday, 7th March, Calderwood is careful to note (vii. 352), "Mr. "Richard Dicksone ministred the communion "in the West Kirk, beside Edinburgh, accord-"ing to the laudable and ancient forme of this "Reformed Kirk; exhorted the people to "stand to their former libertie; provèd that "kneeling was not agreeable to the practise "of Christ and his Apostles. Manie of the "inhabitants of Edinburgh repaired to that "kirk that day, fearing the communion "would not be ministred in their owne kirks "in that puritie."

quhairof in prent, weyght, and fynnes geveis occasioun to his Majesteis subjectis to alter, hight, and rais the pryceis of the same at thair pleasure, and suche of his Majesteis subjectis as hes skill in this kynde of coysenying and dissaitfull trade keipis as it wer ane cunyiehouse for thame selffis, and the ignorant and simple multitude ar schamefullie and mischeantlie circumvenit and abuseit be thame, ressaueing commounlie lycht for havie and drosse for goode coyne; quhilk being wyislie foirseene be the Kingis Majestie, and his Majestie oute of his lang experience understanding that the cheif and principall occasioun of this canker (able in schorte tyme to eit up the haill moneyis of this kingdome) proceidis frome the impunitie of the offendaris; and quhairas nothing is so pouerfull to hald undewtifull subjectis under a reverent obedience of the law as the executioun of the law, quhilk wes better not to be maid then to ly deade unexecute: Thairfore his Majestie, with advyse of the Lordis of his Secreit Counsall, upoun verry goode deliberatioun, hes of new thoght meit and expedient, concludit, resolveit, st[atut], and ordaneit that no foreyne coyne sall have course or passage within this kingdome at ony tyme efter the publicatioun heirof, bot that the same salbe broght in to his Majesteis cunyie house, quhair the awner sall ressave in guid and reddy payment for every unce weyght of gold of xxij carrett fyne the sowme of xxxix ℔. iij ß. v đ., and for every deneir thairof xxxij ß. vij đ. halff đ penny, and for ilk grayne weyght thairof xvj đ. 4 pt. penny, and for every unce weyght of silver being of the fynnes of ellevin deneiris the sowme of lviij ß. x đ. halff penny, and for ilk deneir weyght thairof ij ß. v đ., and for ilk grayne weyght thairof ane penny; and for all uther decryit gold and silver thay sall ressave in payment proportionallie for ilk unce, deneir, and grayne weyght the just valour according to ane A. B. C. quhilk salbe sette downe in a table and delyverit to the Maister Cunyeour to be affixt in a publict pairt of the cunyehouse. And siclyk his Majestie with advyce foirsaid hes commandit that the lawis formarlie maid aganis the transporting of gold and silver furth of this kingdome salbe put to executioun and the offendoris punist with all seueritie; and ordanis letteris to be direct chargeing officeris of armes to pas to the mercat croces of the head burrowis of this realme and thair to [mak publicatioun by oppin proclamatioun] of the premisis, quhairthrow nane sal pretend ignorance of the samin, and to command, charge, and inhibite all and sindrie his Majesteis leigis and subjectis and strangeris that nane of thame presume or tak upoun hand at ony tyme efter the publicatioun heirof to carye or transporte ony golde or siluer furthe of this realme under the pane of confiscatioun of the said gold and silver and of the haill remanent moveabill guidis perteyning to the awnaris and transportaris thairof, and siclyke that nane presum nor tak upoun hand to ressave nor delyver in payment, wissilling, nor trade ony foreyne gold or siluer under the pane of ane hundreth pundis to be incurrit be every persone or persones contravening *toties quoties*, the thrid pairt quhairof, with the thrid of the confiscatioun of the transportaris of gold or siluer apprehendit or provin,

Acta Sept. 1617-July 1620.

Fol. 164, b.

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salbe delyverit in thankfull payment to the persone or persones that will reveill the same to his Majesteis Thesaurer and Deputie Theasurer and will furneis probatioun for verificatioun of the same; dischargeing heirby all his Majesteis officiaris of ressaitt of all ressaveing of ony foreyne gold and siluer in payment of his Majesteis rentis, dischargeing also all personis in quhais handis consignationis ar to be maid that thay ressave no consigneit money bot in proper current money of this kingdome under the pane foirsaid, prohibiting also all his Majesteis leiges to delyver or ressave ony foreyne money in buying, selling, paymentis, or uther wayes under the same pane: and siclyk to command and charge all and sindry magistratis to burgh and land and all justiceis quhair fairis and mercattis ar haldin that they caus pu[blishe the tenour] heirof twyse in the yeir in the tyme of fair, and to [caus dew] attendance be givin everyone within thair awin boundis that [the] actis be dewlie and preceislie keipit, and, quhairas they . . . . . brek or violatioun of the same, that they tak notice thairof and gif informatioun of the same to his Majesteis Thesaurair and Deputie-Thesaurair to the effect the contravenaris maye be callit and [accordinglie] punist, and gif neid beis that they sease upoun the money [thus] unlawfullie offerrit to be gevin or ressaueit, and that they [di]laite the offendouris to the effect abonewrittin, and that [they place] authentik copeyis heirof and of the A. B. C. foirsaid upoun publict and patent pairtis of the saidis fairis and [mercattis, quhair]throw all his Majesteis leigeis may have inspectioun and . . . of the same: Certifeing the saidis justiceis of peace and [utheris] magistratis to burgh and land gif they be remisse [or failyie] heirin that thay salbe . . . and punist at the arbitrament of his Majesteis Counsall. And, quhairas thair is a grite quantitie of light and crakit gold quhilkis sindrie personis for thair
Fol. 165, a. advantage byis and causis sowde the same, and puttis roovis of fauls gold thairin, and gyltis the same, to the hurt of the leigis: Thairfoir to command and charge and inhibite all and sindrie gold smythes and otheris personis quhatsomevir that nane of thame presome nor tak upoun hand to sowde ony crakit or brokin gold or siluer, under the pane to be repute, haldin, persewit, and punist as fals cunyeouris."

Decreta Nov. 1617-Feb. 1620.

[Sederunt as recorded above.]

Edinburgh, 9th March 1619. King's Advocate and Robert Halcro of Cavay against Patrick Stewart, son of James Stewart of Gramsay, for unruly and oppressive conduct in Orkney.

Fol. 77, a. Complaint by the King's Advocate and Robert Halcro of Cavay as follows:—After the "rebellioun and troublis reased within the cuntrey of Orkny be the laite Erll of Orknay wes by his Majesteis royall power and forceis supprest, and the principall actouris thairof according to thair deserveingis brocht to thair tryall," the Lords of Council thought fit to put some, "who were thocht to be of a turbulent humour and dispositioun,"
Fol. 77, b. under band and caution, and among these Patrik Stewart, second son of James Stewart of Gramsay. The said Patrik obtained caution in the sum of £1000 on 17th November 1614 from Harye Stewart, apparent of Gramsay, and Robert Menteith of Eglisha. Since that time he has behaved

"verie undewtifullie and insolentlie aganis divers of his Majesteis subjectis." On 27th September last, the said Patrik, accompanied by Andro Murray and Johnne Menteith, servitors to thesaid James Stewart, William Firmour, notary, James Skeddowy, Andro Sinclair, Williame Moir, Johne Schairp, Magnus Harroquhy, servitors to the said James and Patrik, and others to the number of twelve persons, all armed with muskets, hagbuts, pistollets &c., went to pursuer's house of Yreland, where his wife and family were, "his wyff lyand in chyldbedlair." Pursuer was away from home "gaddering his Majesteis rentis," and his servants were in the fields at the corn. "And, the saidis personis disdaneing to entir in at the said Robert Halcrois duris, thay violentlie brak and raive doun the roofe of his house, and enterit in at the rooffe; schote his threttene young hairmeles bairnis to the dure without respect, pitie, or compassioun of thair young yeiris; and, whenas the said Robert Halcro him selff come to his dwelling house knowing nothing of this insolence committit aganis him, the saidis persones, persaveing him comeing, schote and dischargeit a nowmer of hagbutis, muscattis, and pistolletis at him, and wald not suffer him to approtche neir his house. Quhairupoun the said Robert Halcro past and acquentit the Bischop of Orknay heirwith; who, oute of his respect to the peace of the cuntrey, come to the said Robert Halcrois said house, with M^r^ Patrik Inglis, minister at Kirkwall, M^r^ George Smyth, minister, and with Patrik Bruce and Waltir Ritchie, his Majesteis servitoris, and earnistlie delt and travellit with the saidis personis outher to come out and speik with him or to grant acces within the house to speik with thame. Bot so fer wer thay frome acknowledgeing ony respect or dewtie to thair bischop that thay not onlie refuisit to speik with him, bot to his forder disgrace thay schote a nomber of muscatis and hagbutis at him and his company, compelling him, for preseruatioun and saulftie of his lyf, to go bak agane to Kirkwall. Lykeas the said Robert Halcro, for eschewing of trouble, past with him; and be the way, thay haueing forgadderit with the said James Stewart of Gramsay, fader to the said Patrik, the bischop acquentit him with the foleyis and insolenceis of his sone; quhilk the said James not onlie avowit, affermeing the caus to be his, and that thair wes nothing done bot be his speciall command, directioun, and hounding out, bot with that he avowit with mony horrible aitheis that he sould haue the said Robertis lyff outher directlie or indirectlie. Upoun the quhilk contempt done to the said bischop, the said Robert haueing addrest him self to the toun of Kirkwall, and complenit to the schireff as the ordinair judge and magistrat of the cuntrey, he directit his precept with Johnne Moffett, messinger, to chairge the saidis personis to remove fra the said Robert Halcrois said house, and to restore him to the possessioun of the same agane, to be bruikit be him quhill he wer ordourlie put thairfra be the law. Quhilk chairge being execute aganis thame, thay disdanefullie rejectit, contempnit, and dissobeyit the same, with mony contumelious and disgracefull speitcheis aganis the schireff his office and jurisdictioun."—Pursuers appearing, and the said

Decreta Nov. 1617–Feb. 1620.

Fol. 78, a.

Fol. 78, b.

Decreta Nov. 1617–Feb. 1620. Fol. 79, a.

Patrik Stewart appearing, but the other defenders not being present, the Lords find that the house was taken violently as libelled and is still held by the said Patrik, and accordingly order the said defender to be imprisoned in the Tolbooth of Edinburgh, to remain there at his own expense during their Lordships' pleasure. They order him, without prejudice to the said Patrik's actions before the proper court, to find caution before his release in the sum of £1000 that he shall repossess pursuer in the said house before 20th April next, also to find caution in £1000 for the indemnity of pursuer, his tenants, and his servants. The Lords dispense with the presence of the other defenders at this time, on the condition that caution in the sum of £2000 is found by James Stewart of Grymsay for the indemnity of the said Robert Halcro, "becaus it is understand to the saidis Lordis that this actioun propirlie concernis the said Patrik Stewart, and he hes the onlie interesse thairin."

Robert Trotter against certain persons for barbarity and assault.

Complaint by Robert Trotter, son of Robert Trotter in Catthkraw, as follows:—On 6th February, pursuer, having gone to his father's house on business, saw a number of sheep pasturing on his father's wheat, "quhilk wes fair abreird," and accordingly "houndit a litle hairmeles messane dog" at them. Fol. 79, b. On seeing this, Smyth, son of Henry Smyth in Quintestanes, who happened to be at plough, "comes directlie haime to his fatheris house, takis oute ane grite irne fork, and comes thairwith to the said complenaris brotheris hyndis house that aucht the dog, enterit in the house, steikis the dure behind him, and seikis the dog; and, haueing found him, he bringis him oute in his hand, and in the pryde of his hairte he barbarouslie slew the dog at the hyndis dure." Pursuer, having asked the reason of this conduct, was answered that, if he "durst find fault with it or prease to repair it, he sould gif him alsmekle," and was thereupon attacked by defender, who first attempted to run him through and then to fell him with the fork. Pursuer was wounded on the lip. The said Henry Smyth, accompanied by Alexander Roull in Quhinarstanes, Thomas Trotter there, and Thomas Richesoun there, armed with forks, &c., joined in the assault, "some of thame crying unto him 'Gif thow be not content with that quhilk thow hes gottin, thow sall get more.' And otheris of thaim cryit, 'Dispatche him: gif we had maid us quite of the carle his father sevin yeiris syn, thay [we] had bene the bettir'; and thay wald nevir be at ease till thay had the said complenair and his fatheris lyff." Pursuer Fol. 80, a. escaped with difficulty.—Pursuer and defenders appearing, the Lords find the charges against the said Patrik proven, and order him to be detained in the Tolbooth of Edinburgh at his own expense during their Lordships' pleasure. The Lords assoilzie the other defenders, because pursuer has failed to prove the charge against them.

Donald MacGillivray against David Soutter and others for assault on his wife.

Complaint by Donald McGilliwie in Litle Banchrie, and Margaret Dicksoun, his spouse, as follows:—On March last, David Soutter in Newmylne, James and Thomas Souttair, his brothers, Johnne Sowtter in Logye, Johnne Stewart, his servitor, Johnne Butter in Wester Essindie, and others, all armed, went to pursuers' house in Litle Banchrie and

attacked them with drawn swords. They wounded the said Donald seriously in divers parts, and gave his spouse three deadly wounds in the head. They "lape upoun hir, birsit hir body togidder, harlit hir violentlie be the hair ane grite space, scho being than grite with chylde. And, scho being laitlie deliverit of hir said chyld, thair is suche markis and taikynis extant in the infantis head of the straikis gevin to the said Margaret as said is."—Pursuer appearing, and defenders, except Johnne Butter, not appearing, the Lords assoilzie defenders, because pursuer has failed to prove the charge, and they order pursuer to pay 40s. to each of the witnesses in the case. Decreta Nov. 1617–Feb. 1620. Fol. 80, b. Fol. 81, a.

Edinburgh, 11th March 1619.[1]

Sederunt—Chancellor; Treasurer; Viscount Lauderdaill; Binning; Cranstoun; Carnegy; Master of Elphingstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsaythe; Bruntyland; Marchinstoun; Ridhouse; Medop; Innerteill; Currihill; Fostersait; M^r^ Peter Rollok; Sir Andro Ker; Conservator. Acta Sept. 1617–July 1620. Fol. 165, a.

Act explaining that the former act and proclamation against the currency of foreign coin does not apply to his Majesty's own coin of the old rose-nobles of Scotland and England, but does apply to a new rose-noble, of inferior weight and worth, more recently struck in England.

"Forsamekle as, the Kingis Majestie having consideratioun of the greit hurte and inconvenient quhilk the subjectis of this kingdome hes sustenit thir divers yeiris bygane through the diversitie and nomber of forreyne peaceis of gold and siluer universallie current within the same, aganes the law and without ony satled or constant stand or pryce bot at the appetyte of the givearis oute and ressauearis, thairfoir his Majestie, with advyce of the Lordis of his Previe Counsell, causit ane act and proclamatioun to be maid of the nynt of this instant [*ante*, p. 533] aggreabill in substance to the lawis formerlie maid and yit standing in force for restreaning and punisching of the said abuse of the course of foreyne coyne: in the quhilk act althoght no mentioun hes bene maid of his Majesteis awin proper coyne bearing his Majesteis prent and armes, yit nomberis of his Majesteis subjectis ignorant of the tennour and effect of the said act doeth apprehend that his Majesteis auld coyne, especiallie the auld roisnobillis of Scotland and Eng[land] ar comprehendit under the said act and proclamatioun, and thairfoir some scruple and questioun is maid in ressaueing of thame in paymentis, wissilling, and trade upoun the pryceis for quhilkis they wer current afoir the making of the said proclamatioun: For removeing of the quhilk scruple and doubt, and for geving of satisfactioun to his Majesteis subjectis in this poynte, his Majestie with advyse of the saidis Lordis of the Secreit Counsall hes thoght meete heirby to signifie and declair to his Majesteis subjectis . . . the act and proclamatioun foirsaid is in expres termes consaveit and sett doun aganes the course of foreyne coyne, so his Majestie haid not nor hes not purpois nor intentioun at this time to tuitche his awne coyne or to stay the cours and passage thairof, Fol. 165, b.

[1] On this day Mr. Richard Dickson, for his offence of the preceding Sunday (*ante*, p. 533, footnote),—viz., having administered the communion without requiring the communicants to kneel, and having argued against that one of the Articles of Perth which made kneeling compulsory,—received a summons from Archbishops Spotswood and Law to appear before the Court of High Commission. See the document in Calderwood, vii. 352–354.

Acta Sept. 1617–July 1620.

bot that the same, and especiallie the roisnobillis of Scotland and England, for the quhilkis the greatest doubt and questioun is apprehendit, sall haue course and passage upoun the pryceis for quhilkis thay wer current the tyme of the making of the said proclamatioun, exceptand alwayes ane new roisnobill callit the Spure ryall, prentit be his Majestie in England since his going thair, haveing on the ane syde his Majesteis portrat and armes in a schip with this circumscriptioun,—Jacobus Dei Gratia Magnae Britanniæ Franciæ et Hiberniæ Rex; quhilk roisnoble being in weyght and worthe far inferiour to his Majesteis utheris roisnobillis of the saidis kingdomes of Scotland and England,—to wit, xxvj ß. viij đ. upoun every peice thairof in worthe,—and the subjectis of this kingdome who are ignorant of the just weyght and fynnes of gold haveing sustenit greit hurt and prejudice by ressaveing of this new roisnoble upoun the pryces of his Majesteis uther roisnobillis foirsaidis, althought thair be ane grite disproportioun in the weyght and worth of the same, as said is: Thairfoir his Majestie with advyse foirsaid hes dischargeit and be the tennour heirof dischargeis the course and passage of this new roisnoble foirsaid within this kingdome, and ordanis the same to have no forder course heirefter; and that letteris of publicatioun be direct heirupoun, quhairthrow [nane] pretend ignorance of the same."

Decreta Nov. 1617–Feb. 1620.

[Sederunt as recorded above.]

Edinburgh, 11th March 1619. Robert Murray, sometime merchant and burgess of Perth, against James Anderson and others in the Water of Leith for assault and robbery.

Fol. 81, a.

Complaint by Robert Murray, sometime merchant and burgess of Perth, as follows:—On 1st August last he was met on the highway by the Water of Leyth, when on his way to Edinburgh, by James Andirsoun, baker, sometime indweller in the Water of Leyth and now in the burgh of Edinburgh, Jonet Bell, widow in the Water of Leith, and Jonet Jonkene, her servant. They drew him into the said Jonet Bell's house, threw him on his back, "possit" him with their feet and hands, and broke his right arm. They then "raif the buttoun af his breist, and tooke oute of his bosom the sowme of twenty-foure pundis, and reft fra him ane broun cloik worth uther twenty-four pundis, with ane hatt and craip string worth thrie pundis." On December last, the said persons, accompanied by Florence Miller, servitor to the said James

Fol. 81, b.

Andirsoun, met him on his way from the Water of Leith to the burgh of Edinburgh, and committed a cruel assault upon him.—Pursuer and defenders appearing, the Lords assoilzie defenders, because pursuer has failed to prove the charges.

Jean Bogle, spinster in Glasgow, against John Sym for violence, threats, and attempted fire-raising.

Complaint by Jeane Bogill, daughter of the late Johnne Bogill, maltman "in the burgh of Glasgow," as follows:—Pursuer possesses a house and yard "with some uther easementis" within the same. She, "being unmareit, thinking it very unfitt and unseamelie for hir to dwell and

Fol. 82, a.

remane hir allane within the said house," set the same to Johnne Sym, tailor in Glasgow, for the yearly rent of £12, reserving to herself the right of "abyding and cohabiting in house and company" with the said

Johnne Sym and Margaret Dowgall, his spouse, and having "hir bed, bed clotheis, kist, and utheris necessaris" within the same. They lived together for many years, till pursuer, finding that the said Johnne could not pay the rent but always postponed settlement, and that he was suspected of theft, and so was "becomeing odious to all his nichtbouris," warned him to remove, and obtained decreet of removal from the magistrates of the burgh. Defender thereupon conceived a deadly hatred against pursuer, and many times vowed with horrible oaths "to burne the said house aboute hir luggis." On the evening of Sunday, 25th October last, defender, having removed all his goods "except onlie ane auld furme and ane auld masking fatt, with some utheris trasche of the lyke soirte, not worthie of the transporteing," set fire to the house, burnt pursuer's bed and bed clothes, and would not have failed to have destroyed the whole house had not the neighbours "slockned" the fire. On the morning thereafter, defenders vowed, in presence of some women "who wer helpand to dicht and clense" the said house, that they would burn the house if they found pursuer therein; which so frightened pursuer that she went to a neighbour's house till about 12 o'clock at night, and warned them "to attend the event of the vowis foirsaidis, especialie seing thay had some thak housis adjoyneing unto the said complenairis said house, quhilkis wer in grite dainger the nicht preceiding." When she returned about 12 o'clock, spies informed defenders, who were drinking in Patrik Colquhoun's house. They arrived, accompanied by the said Patrik, Robert Kincaid, Waltir Miller, and George Harbertson, indwellers in Glasgow, all armed with swords, "not accustomed to be worne be ony of the inhabitantis of the said citie within the same," and, finding pursuer sitting by the fire "reddie to have gone to hir bed," menaced her, ordered her to leave the house, and compelled her to lie out all night. They would not suffer her to return till the magistrates had ordered their officers to render assistance. Defender, knowing that the magistrates intended to apprehend him, lurked in the dwellings of his said confederates for "the space of tua oulkis or thairby, and ay and quhill he wes suire that the saidis magistratis could not mell with him bot ather be citatioun or commissioun for the caus foirsaid, the saidis magistratis alwyse haveing done thair exact diligence to haif apprehendit him *flagrante crimine*."—Parties appearing, the Lords, having heard evidence, and seen a letter from the magistrates of Glasgow stating that the said Johnne Sym "is and hes bene ane vitious leivar and ane committair and doair of sindrie oppressionis and wrongis within the said citie, and ane commoun contempnair of his Majesteis lawis," that he has been sundry times punished, and is at present a fugitive, order him to pay £40 to pursuer, and to be committed to the Tolbooth of Edinburgh, there to remain at his own expense till he pay the said sum and find caution in £100 to appear before the magistrates of Glasgow.

Decreta Nov. 1617–Feb. 1620.

Fol. 82, b.

Fol. 83, a.

Case of Alexander Barclay

The Lords continue the hearing of the complaint of Alexander Barclay,

Fol. 83, b.

Decreta Nov. 1617–Feb. 1620. Commissions. Fol. 73, b.

merchant burgess of Edinburgh, now indweller in Maybole, and William Davidsoun, his servitor, against Johnne Ros, son and heir of Gilbert Ros of Millanerdaill, to the first Council day of June next. against John Ross.

Commission under the Signet, signed by the Chancellor, Mar, Laudirdaill, and Binning, is given to Alexander Campbell of Lochinyell to apprehend and exhibit Donald M^{c}Ane in Ormesag, Johnne, Angus, and Archibald M^{c}Eane, his sons, Donald M^{c}Neill M^{c}Coneill Gir in Glenbeg, Donald M^{c}Angus M^{c}Ane in Ardslegnes, Allaster M^{c}Ronnald M^{c}Eane in Camisgald, Allaster M^{c}James M^{c}Ane in Girgadill, Dougall M^{c}Gillimorie there, Angus M^{c}Coneill M^{c}Angus in Achnaha, Angus M^{c}Coneill Oig there, Donald Glas M^{c}Ane Vayne in Phaskadill, Donald Roy M^{c}Taves in Surdill, Rorye M^{c}Gillimichaell there, Allane M^{c}Allane M^{c}Phersone in Ochoell, Ewne M^{c}Lauchlane M^{c}Coneill Gir in Glenbeg, Johne M^{c}Donald V^{c}Ane Roy in Glenwricht, Donald M^{c}Ewne M^{c}Allaster in Glenulladill, Donald Roy M^{c}Gillimorie in Ardnastank, Rorie M^{c}Eane M^{c}Coneill in Achnabet, Donald Dow M^{c}Gillimartene Roy in Rannachane, Ewne M^{c}Finla M^{c}Gillivore in Killichorne, and Johnne M^{c}Ewne Finla M^{c}Gillimorie, who were denounced rebels, at the instance of the King's Advocate and M^{r} Donald Campbell of Parbrek, for not having entered their persons in ward within the Tolbooth of Edinburgh. They had worn hagbuts and pistollets, had gone to said M^{r} Donald's lands of Achaterie in Ardnamurchine and lands of Tarbat in Sowart, and had struck his bowmen, their wives, and families, and taken away goods and gear. Commission to Campbell of Lochinyell for the apprehension of a number of Highland outlaws.

Fol. 74, a.

Commission, signed by the same, is given to M^{r} James Kirk, sheriff-depute of Argyll, to try Edmond M^{c}Coneill M^{c}Ewne Moir V^{c}Ewmond and Angus Oig M^{c}Badinych, now under arrest for theft. Commission for the trial of two Highlanders for theft.

Acta Sept. 1617–July 1620. Fol. 165, b.

[No record of Sederunt.]

Edinburgh, 12th March 1619.[1]

Fol. 166, a.

Patrik Hepburne of Smetoun appeared personally in answer to a summons anent his entering of the Tolbooth and Session House with a pistollet in his belt. "He being demandit upoun quhat reasoun he durst presum to bear ony pistollettis and to cum with the same to the house and plaice of justeice, he confest and declairit that he haid a pistollet upoun him the tyme lybellit, and protestit that he wes ignorant that he haid the pistollet upoun him at the tyme, because, he being ryding all that nycht and being under trouble and unkyndnes with William Learmonth of the Hill and his bairnis, he caryis his pistollett onlie for the defence of his awin lyff, and that, he haueing cum in to the toun that morneing and haveing ane actioun in h befoir the Lordis of Sessioun, he came directlie to the Tolbuith, and forgot to lay the pistollet fra him." The Lords find Hepburn of Smeaton committed to the Tolbooth of Edinburgh for entering the Court of Session with a pistol in his belt.

[1] Mr. Richard Dickson, appearing before the Court of High Commission to answer for his offence (*ante*, p. 538, footnote), was deposed from the ministry and ordered into ward in Dumbarton Castle; and, at the same time, Mr. William Arthur was censured for a similar offence. The judges present in the Court on the occasion were Archbishop Spotswood, the Bishops of Brechin and Ross, the King's Advocate Sir William Oliphant, and Commissary Mr. Thomas Henryson.

that he has violated the law anent the bearing of pistollets, and commit him to the Tolbooth, therein to remain at his own expense during their pleasure. Acta Sept. 1617–July 1620. Fol. 166, a.

Edinburgh, 16th March 1619.

Sederunt—Chancellor; Treasurer; Bishop of St Androis; Bishop of Glasgow; Bishop of Ros; Laudirdaill; Bugcleuche; Binning; Cranstoun; Flemyng; Carnegy; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Master of Elphingstoun; Kilsyth; Bruntiland; Ridhouse; Medop; Innerteill; Curriehill; Marchinstoun; Foistersait; Sir Andro Ker; Mr Petir Rollok; Conservator. Decreta Nov. 1617–Feb. 1620. Fol. 83, b.

Abandonment of the suit against Menteith of Egilschaw for the carrying of fire-arms by his tenants.

This day appeared Robert Menteith of Egilschaw, as master of Edward, James, Williame, and Rowie Alexander, William Daill, and Magnus Cragie, in answer to a charge raised by the King's Advocate and Williame Colvill against his said tenants and servants for wearing hagbuts and pistollets.—Pursuers not appearing, the Lords admit the protest of defender that no further proceedings be taken. Fol. 84, a.

Marion Johnston against Patrick Borthwick in Leith for assault.

Complaint by Marioun Johnnestoun, relict of James Young, indweller in Leith, as follows:—On April last, pursuer, while in her barnyard north of the Brig of Leith "dichtand some beir," was threatened by Patrik Borthuik in Leith, and cruelly attacked and bruised by him, she being "ane hairmeles woman, grite with chyld for the tyme."—Both parties appearing, the Lords find the charge proven, and order defender to be detained in the Tolbooth of Edinburgh, therein to remain at his own expense during their Lordships' pleasure.

Government prosecution of a number of persons for illegal carrying of fire-arms.

Complaint by the King's Treasurer and Advocate that the following persons have contravened the acts anent the carrying of hagbuts and pistollets,—viz.: Thomas Johnestoun in the West Syde of Bruneiscastell, Andro Neilsone in the Doll of Carnok, Robert Grhame in Panhoill, Andro Burne in Newtoun, George Burne and William Burne, his brothers, Archibald Bruce, younger of Powfoullis, Johnne Peibillis, servitor to Thomas Peiblis of Carronflattis, Alexander Mure of Skaithinmure, James Kuik in Abbotisgrang in Eistkers, James Galbraith in Dalratho there, Robert Crawfuird, son of the "auld laird of Beircroftis," Thomas Symesone, servitor to the laird of Wareistoun, Thomas Coustoun, turner in Clakmannane, Adame Prymrois, son of Henrie Prymrois in Culrois, Johne Blaw, son of "auld Johnne Blaw" there, Thomas Douglas in Bruntylland, James Keir there, William Kirkcaldie in Kinghorne, and Thomas Drysdaill there.—Pursuers appearing, and Andro Burne, George and William Burne, Andro Neilsone, Thomas Johnstoun, Robert Grhame of Panhoillis, Alexander Mure of Skemure, James Kinkaid, James Galbraith, Thomas Symesone, Johne Peiblis, Thomas Coustoun, Johne Blaw, Adame Prymrois, and Thomas Douglas appearing, but the other defenders not being present, the Lords find that the following have contravened the acts, and fine them as follows:—Andro Burne 10 merks, Robert Grhame of Panhoillis £20, James Fines. Fol. 54, a. Fol. 54, b.

Fines. Galbraith £10, and Thomas Symesone 10 merks. They are to be detained in the Tolbooth of Edinburgh at their own expense till they pay the said sums. The Lords assoilzie the other defenders who appeared, excuse the absence of Archibald Bruice of Balfoullis and William Kirkcaldie on account of illness, and order the said Robert Galbraith, Henry Drysdaill, saddler, and James Ker to be denounced rebels.

Fol. 55, b. This day appeared James Mure in Bothkenner and became cautioner for Andro Burne in Bothkenner, George and William Burne, his brothers; also James Drummond, brother of the laird of Carnok, for Andro Wilsone in Carnok Dolle and Thomas Johnestoun in the Westside of Bruntcastell; Sir Drummond of Borland for Robert Grahame of Panhoillis; Mr William Livingstoun for Alexander Mure of Skemure; George Kincaid, merchant burgess of Edinburgh, for James Kincaid in Eistkers; the said James Kincaid for James Galbreth in Eistkers; Alexander Symesone in Quhythous for Thomas Symesone, servitor to the laird of Warristoun; David Peiblis, merchant burgess of Edinburgh, for Johne Peiblis, servitor to Thomas Peiblis in Eistkers; Mr Alexander Hammiltoun of Kinglas for Archibald Bruce, younger of Balfoullis; Coustoun, servitor to Alexander, Earl of Dumfermeling, for Thomas Coustoun in Clakmannane; James Merschell, messenger, for Thomas Douglas in Bruntilland; and Thomas Drisdaill, herald, for Henry Dryisdaill in Kinghorne: not to carry hagbuts, &c., under the pain of £100. Cautions for the foresaid persons.

Decreta Nov. 1617–Feb. 1620. Fol. 84, b. *Sederunt*—Chancellor; Treasurer; Bishop of St Androis; Bishop of Ros; Lotheane; Laudirdaill; Bugcleuch; Binning; Lord Flemyng; Cranstoun; Carnegy; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Kilsyth; Bruntiland; Ridhouse; Medop; Innerteill; Curriehill; Foistersait; Sir Andro Ker; Mr Petir Rollok; Conservator. Edinburgh, 18th March 1619.

Fol. 85, a. Complaint by Crissell Merser, Lady Garnetullie, and James Ogilbie of Clova, now her spouse, that Neill Stewart of Scheirglas remains unrelaxed from a horning of 25th April last for not paying 280 merks of duty for certain lands and £5, 6s. 8d. of expenses.—Pursuers appearing by Alexander Douglas, macer, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, take his houses, and inventory his goods for the King's use. Caption against Neil Stewart of Sheirglas for debt to Lady Garntully.

Complaint by Andro Broun, surgeon, burgess of Perth, and Marie Ireland, his spouse, that Johnne Robertsoun, apparent of Monzeis, as principal, and Mr Waltir Stewart of Blakhillis, as cautioner, remain unrelaxed from a horning of 21st July last for not paying £40 of annual-rent.—Pursuers appearing by James Broun, surgeon, burgess of Edinburgh, and defenders not appearing, the Lords give order as above. Caption against John Robertson, apparent of Monzeis, and his cautioner.

Fol. 85, b. Complaint by Thomas Adinstoun, merchant burgess of Edinburgh, and Hew Peblis, indweller in the said burgh, that Johnne Howiesoun, son and heir of the late Johnne Howiesoun, merchant burgess of Edinburgh, remains Caption against John Howieson for debt to

Thomas Adinstoun and Hew Peebles.

unrelaxed from hornings of 20th June 1609 and 13th July 1610 for not paying to the former £500 and 100 merks of expenses, and to the latter 100 merks of principal and £20 of expenses.—The said Hew Peblis appearing for himself and Thomas Adinstoun, and defender not appearing, the Lords give order as above. Decreta Nov. 1617–Feb. 1620. Fol. 86, a.

Caption against Andrew Lundie for debt to Adam Malice, burgess of Perth.

Complaint by Adame Malice, merchant burgess of Perth, assignee of Andro Martene, indweller in Leith, that Andro Lundie of Condlane remains unrelaxed from a horning of 28th June 1614 for not paying 500 merks of principal and 50 merks of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order as above.

Complaint by Robert Menteith of Egilshaw that, notwithstanding the recent happy reduction of the Orkneys to his Majesty's obedience, he is still grievously troubled and harassed on his estates there: with specification in particular of the outrages committed against him and his tenants by William Colvill and others.

Complaint by the King's Advocate and Robert Menteith of Egilschaw as follows:—"The Kingis Majestie haveing by his royall pouer, force, and auctoritie suppresst and reformed the disordouris, insolences, and oppressionis quhilkis of laite yeiris wer too frequent and commoun within the boundis of Orknay, and haueing establischet peace, justice, and quietnes within the same, to the exceiding grite conforte of the inhabitantis thairof, who wer fred and relevit frome the slaverie, tyranny, and oppressioun quhilk formarlie thay undirlay; and the said Robert Menteith expecting that now, efter sa mony yeiris schipwraik quhairwith he hes bene visite within the saidis boundis,—being banist the cuntrey, his haill estaite seased upoun without forme or ordour of law, his lyff threatned and daylie socht, and his freindis and kynnisfolkis for his caus miserablie opprest and overthrowne, as is notour to the Lordis of Secrite Counsaill,—that some tyme of breatheing sould have bene gevin unto him, and that, as one of his Majesteis poore distrest subjectis, the said Robert sould haue found the confortable effectis of his Majesteis moist blessed and happie governament, and of the universall quietnes establischet be his Heynes throughout his Majesteis haill dominionis, pouerfull towardis him for secureing of him fra forder oppressioun: Notwithstanding, it is of treuth that the said Robert Menteith his distresis and calamiteis are endles, and, as it wer, a new seid of troublis doeth ryse up and grow to overthraw him, insofer as, some personis within the saidis boundis being irkit and weyreit with the present peace and quietnes now establischet within the samyn, and preferring thair bypast lewd forme of lyff to his Majesteis obedience and ordour, policie and good governament, thay have begun to renew and as it wer to gif a new lyff to the said Robertis former distresis and troublis." Fol. 86, b.

Williame Coluill, son of the late Harie Coluill, parson of Orpher in Orknay, was bound by contract to remove himself and others from the lands of Eglischaw at Whitsunday 1616. Defender did not, however, show any signs of removing, and, after an interview with pursuer, was generously granted permission to remain till Whitsunday 1617. Pursuer, looking for a peaceable entry at that time, placed some cattle on a part of the said lands called Kirbister. In June following, defender sent James Coluill, his brother, and Johnne Jukill, his servant, to hound the said cattle with "maistice dogis." Some were slain. Pursuer's servants were compelled to remove the remaining cattle to another island. Defender held "the Fol. 87, a.

Decreta Nov. 1617–Feb. 1620.

gres of the said Robertis ile" till Martinmas following. Pursuer was, however, content to receive possession at the latter date, when he entered Edward Alexander at Kirbister, and took possession of the lands and houses of Egilschaw for his wife, "who furnist the same sufficientlie with

Fol. 87, b.

all kynd of plenissing effeiring to hir estaite and with good store of victuallis and viueris." The said lady, having occasion to go to Edinburgh to visit her parents, left the house in charge of her domestic servants. The said William Colvill, hearing of this, went with James Coluill, his brother, and others, took possession of the house "in a soirning maner," and remained "till thay eate, spent, and consumed the haill victuallis." Thereafter they carried away all the moveables, "tooke the haill durris af the crookis," and so left the house empty and exposed "to the injurie of weddir and beastis." They also carried away all the corn grown at Kirbister in the preceding year. In May last, the said Williame and his accomplices returned to the Kirbister and took the "pleuch graith" from his tenant. In June last, pursuer collected a quantity of material for the repair of the parish church of Eglischaw, but defender "verie sacralegiouslie" removed all the said timber, lime, and stone, and with them built a dwelling house on his own lands. On last, defender

Fol. 88, a.

attempted to prevent pursuer's return from these parts to his home in Orkney. He gathered together Johnne Colvill in Tankernes, James Coluill, his brother, Johnne Jukill, Alexander Worke, servitors to the said Williame, Robert Bannatyne, servitor to Mr Robert Henrysoun of Holland, and Thomas Angussoun, sometime resident in Stronsay, all armed with hagbuts, pistollets, &c., proceeded to the house of Howane in Eglischaw, possessed himself of the same, fortified it with men and ammunition, and made a number of "murdreis hoillis within the house." They took possession of pursuer's lands, "ran athorte his haill ile," and remained for eight weeks, threatening and treating his tenants as if they had been slaves. The said James Colvill went by way of hamesucken to the house of Johnne Quoyis, pursuer's tenant, and gave him a number of severe blows "with a grite four-squaird battoun," and also committed a like assault upon Rowye Alexander, son of Edward Alexander, tenant of pursuer. Johnne Jukill, servitor to the said William Coluill, did likewise to Johnne Yorsone, another tenant, when he was shearing his corn. At

Fol. 88, b.

the same time, the said James Colvill attacked Robert Murray, servitor to pursuer, with a two-handed sword, and wounded him in divers parts. He also chased a dog belonging to the said Edward Alexander, and slew him with a hagbut. Defenders made a general search of the island, and disarmed all pursuer's tenants. The said James Colvill assaulted Alexander, son of the said Edward, with a batton, and left him for dead; and they took away from the said Edward his "pleuch graith," and slew his dog. The said William and his accomplices took possession of 16 horses belonging to the said Edward, and, "in dispyte of the said Robert Menteith, thay raid and poistit the horsis throughout the haill ile, quhill some of thame wer riddin to death, and the rest so crookit as thay neuir

servit for ony use thairefter." At the same time the said James struck Robert Yorsoun with a batton, because he refused to carry pursuer's peats in the isle of Rowsay to Egilschaw for their use. Before they left the island they "hocht" and slew a number of pursuer's cattle, and killed all the geese. What they could not eat they "kaist oute to the beastis of the feild and foullis of the air." During their stay "thay causit the said Robertis servandis and tennentis serve thame as galey slaves in transporting thame to and fra iles without meit, drink, or ony uther consideratioun for thair panes and service." They committed many other wrongs which pursuer "hes bureyit in silence, being loath to fasche the Lordis of Secrite Counsaill thairwith."—Pursuers appearing personally, and defenders not appearing, the Lords order defenders to be denounced rebels. Decreta Nov. 1617–Feb. 1620. Fol. 89, a.

Sara Lough in Selkirk and William Turnbull against William Elliot for oppression and assault.

Complaint by Sara Lough in Selkirk and William Turnble in Phillophauch as follows:—Pursuer holds in liferent a small piece of land near the town of Selkirk. Of late Williame Ellote, called of Horsliehill, has molested her, and attempted to take the land from her because she refuses to give the same to him upon his own conditions. On 9th November last, pursuer, who is a poor widow, upoun hir chairgeis "procureit the said William Turnble willing to len his pleuch unto hir that day for teilling of the said peece land." Defender, hearing of this, and happening to meet the said William in the town of Selkirk, upbraided him for lending his plough, hit him on the face with his "fauldit neive," and attempted to stab him with a whinyer.—The said William Turnble appearing for himself and the said Sara, and defender being present, the Lords find that defender hit pursuer in the face, and order him to pay £40 to pursuer and to find caution in 500 merks to keep the peace. He is to remain in Edinburgh till he pays the said fine and finds the said caution. Fol. 89, b.

Recitation of the acts prohibiting the use of armour of any kind or of horses of more than £30 value by the general population of the Middle Shires, with commission to Sir Andrew Ker, as Captain of the Guard, and Sir William Scott of Harden, as his lieutenant, to take order with persons of the broken Border clans who have been recently violating those acts.

"Forsamekle as, althocht by divers actis and ordinanceis, maid alsweill by the Kingis Majestie as be the Commissioneris of the Middleschyreis according to his Majesteis directioun, the use of all kynd of airmour and waponis, suche as jackis, speiris, lanceis, steilbonnettis, hacquebuttis, and pistollettis, is expreslie prohibite and forbiddin to all personeis within the boundis of Liddisdaill, Eskaill, Ewisdaill, and Annanderdaill, except nobilmen and gentilmen unsuspect of fellonie and thift and being of brokin clannis, under the pane of confiscatioun of the said armour and imprisonement of the awneris dureing his Majesteis will; and whereas lykewayse thay wer forbiddin the use of all horssis, saulfing naigis of threttie pundis pryce or within, under the said pane; notwithstanding it is of treuth, as the Lordis of Secreit Counsall ar informed, that some of the brokin clannis within the saidis boundis, taking hold of certane bruittis and rumouris going athorte the countrey of forreyne preparatiounis, ar begun to buy horsis and armour, not of purpois nor intentioun to use the same for the weall and defence of the countrey, bot according to thair wonted maner to brek louse upoun everie lycht occasioun, and to renew thair accustomeat forme of leiveing in thift, reiff, and oppressioun, and sua to do quhat in thame lyis to disturb the peace of the Middleschyris, quhilkis by Borders. Fol. 66, b.

Borders.

his Majesteis singular cair and most p[r]udent governament hes bene thir mony yeiris satled in a perfyte obedience: Thairfoir the Lordis of Secreit Counsall ordanis and commandis Sir Andro Ker of Oxinhame, knycht, Fol. 67, a. Capitane of his Majesteis Gaird and garisone, and Sir Williame Scot of Harden, his leivetennent, or to ony of thame, to pas to the boundis foirsaidis and to the dwelling housis of the saidis brokin clannis, and to disarme thame of thair haill armour and of thair horsis being abone the availl of threttie pundis, and to tak ordoure for putting of the saidis actis and ordinanceis to dew executioun in all poyntes. For doing quhairof thir presentes salbe unto thame a warrand."

Commissions. Fol. 74, b.

Commission under the Signet, signed by the Chancellor, Mar, and Bining, is given to the sheriff of Perth and his deputes, the Steward of Strathearne and his deputes, and David, Lord of Scone, conjunctly and severally, to apprehend Robert Spalding, son of the late Robert Spalding at the Mill of Kethik, who is unrelaxed from a horning of 5th December 1618, at the instance of Donald Robertsoun, as brother, Alexander Robertsoun in Straloche and Alexander Robertsoun of Drome, as kinsmen, of the late Williame Robertsoun *alias* Harper in Stratherdaill, for not finding caution to answer for murdering the said Williame.

Commission for the apprehension of Robert Spalding, at the horn on a charge of having murdered William Robertson in Strathordale.

Fol. 83, a.

Royal order as follows:—"Quhairas his Majestie is crediblie informed that of laite yeiris thair hes mony abusis, greit corruptioun, disordoris, and confusioun arrissin, and are still yit fosterit and intertenyit, within the auld and new Colledgeis of Aberdeine and Hospitallis of the same, pairtlie upoun the occasioun of the sleuthe, negligence, and connivence of the personis who hes the charge of the saidis Colledgeis and Hospitallis, and to whose credite and cair the redrese and reformatioun of thir abusis properlie apperteyned, and pairtlie for that thair hes bene no solide visitatioun haid of the saidis Colledges thir mony yeiris bygane, quhairupoun hes followit the dilapidatioun and the unnecessar and idle Fol. 83, b. spending and waisting of the proper rent and patrimonie of the saidis Colledgeis and Hospitallis, the ruyne and decay of the buildingis and edifices within the same, the neglect of the ordinar teiching of the comelie and good ordour and constitutionis establischit within the saidis Colledgeis, alsweill be the fundatioun thairof as sensyne be the learned and worthie professoris who hes borne charge thairin, sua that now the saidis Colledgeis and Hospitallis are broght to a miserable decay, the professoris ar become cairles and negligent, the nomber of professoris and foundit personis not fullie compleite, and all goode ordour and governament within the saidis Colledgeis is become in contempt and disswetude, heichlie to the offence of our Soverane Lord, and to the havie prejudice of the youthis send thair to be trayned up and instructed in vertew, letteris, and learneing; and the Kingis Majestie haveing a princelie and speciall cair and regaird that the abuse within the saidis Colledgeis and Hospitallis salbe reformed and removed, the rentis and patrimonie thairof restoired and incorporat thairunto, and the loveabill

21st March 1619. Appointment by his Majesty of a Commission of twenty-two persons to visit the two Colleges of Aberdeen and the Hospitals there for inquiry into reported recent abuses in them and mismanagement of their property, with powers to reform the same, and instructions to report to the Privy Council on the whole subject.

and auncient ordouris, discipline, and governament formourlie useit within the same restoireit to the auld integritie: His Majestie for this effect hes maid and constitute, and be the tennour heirof makis and constitutis, Alexander, Erle of Dunfermeling, Chancellor, George, Erll Merschell, Thomas, Erll of Melros, William, Lord Keith, David, Lord Carnegy, Alexander, Lord Elphingstoun, Alexander, Lord Kildrymmie, Patrik, Bischope of Aberdeine, Sir James Skene of Curryhill, Sir Thomas Menyes of Cultis, David Lindsay and Mr William Forbes, Doctoris of Divinitie, Alexander Burnet of Leyis, Mr Thomas Nicolsone, Commissar of Aberdeine, Patrik Dune, Doctour of Phisick, Johne Carmichell, minister at Kynneucher, Mr Johnne Reid, minister at Logy, Mr Robert Gordoun of Strathloch, George Curror of Fingask, Mr William Forbes of Cragyvar, Mr Patrik Maitland of Carnfechill, Mr William Forbes, minister of Frarisburgh, or ony sevin or ma of thame, the Bischope of Abirdeine being alwayes ane, his Majesteis Commissionaris in that pairt to the effect underwrittin. Gevand, grantand, and committand to thame, or ony sevin or ma of thame, his Majesteis full power and commissioun, expres bidding and charge, to resorte and repair to the saidis Colledgeis and Hospitallis quhat tyme and so oft as thay sall think meite and expedient, and to call befoir thame the haill professoris and foundit personis within the saidis Colledgeis and the Maisteris of the saidis Hospitallis with the yconimus and chalmerlanis thairof, and to tak ane exact compt frome thame of the haill rentis and patrimony of the saidis Colledgeis and Hospitallis, how and in quhat forme the same is and hes beine spendit, quhat richtis and utheris securiteis thay haue maid, and to quhome, of the rentis and patrimony of the saidis Colledgeis and Hospitallis; and to try and informe thame selffis quhat ordour and forme of teaching is observeit within the same, gif the ancient order and constitutionis be keipit or gif thair be ony defect, change, or alteratioun of the same in haill or in pairt, and upoun [what] occasioun the alteratioun and change, gif ony be, hes proceidit, gif the nomber of the professoris and utheris foundit personis within the saidis Colledgeis and Hospitallis be full and compleit and gif thay ressave thair dew and ordinar allowanceis; and generallie to use all and quhatsumevir utheris thingis quhilkis may procure a cleir and perfyte discouerie of the abusis, disordoris, and confusioun within the saidis Colledgis and Hospitallis. And, quhairas the saidis commissionaris sall find the saidis abusses and disordoris to be cleir and evident, that they redres, reforme, and remove the same in suche forme and maner as may stand with law, equitie, and justice, and that thay establische and set downe suche ordouris, cautionis, and constitutionis within the saidis Colledgeis and Hospitallis as may prevent and frustrat the lyke abusis and disordoris to fall oute within the same heirefter; ferme and stable halding and for to hald all and quhatsumevir thingis salbe lauchfullie done herein. And that the saidis commissionaris mak a perfyt reporte in wreit of thair proceidingis in this bussynes to the Lordis of his Majesteis Previe Counsall, to the effect thay may gif thair approbatioun

Commissions.

Fol. 84, a

Commissions. consent, and allowance thairunto. And that thir presentes be ane sufficient warrand to the greit seale without ony forder preceptis to be direct thairupoun."—Given at Newmercat, 21st March 1619. Signed by the Chancellor, Wintoun, Lothiane, Melros, Carnegy, and the Master of Elphinstoun.

Acta Sept. 1617 July 1620. Fol. 166, a.

Sederunt—Chancellor; Lauderdaill; Binning; Carnegye; Previe Seal; Treasurer-Depute; Justice Clerk; Advocate; Bruntyland; Kilsaythe; Ridhouse; Medop; Innerteill; Currihill; Marchinstoun; Foistersait; Mr P. Rollok: Sir Andro Ker; Conservator. Edinburgh, 23rd March 1619.[1]

Licence to John Buchanan, and his wife Margaret Hartsyde, to move about freely in the King's dominions.

Licence is given to Johne Buquhannane, and Margaret Hairtsyde, his spouse, in accordance with the following royal letter, to repair to any place within his Majesty's dominions, despite all acts to the contrary.

Fol. 166, b. —"Ryght trustie and righte weilbeloved cousen and counsallour and right truistie and weilbelovit counsalloris, wee greite yow weill. Whereas humble suite hath bene maid unto ws on the behalff of Jhone Buchannane, and Margaret Hairtsyde, his wyfe, that they myght be restored to thair former libertie, we have thought goode by these presentes to signifie unto yow that we ar weill pleasit that ye expede unto thame oure licence that thay or ather of thame may at thair plesoure come, passe, and repair to only plaice or pairt of ony our dominionis as frielie and laughfullie as ony uther our subject or subjectis whatsoeuir. And, not doubting of your readie conformitie to this our pleasure, wee bid yow fairweill. Gevin at Newmerkett, the xvth of Marche 1619."[2]

[1] "Upon Tuisday the 23rd of Marche there "was a meeting of the honest citizens of "Edinburgh in the Litle Kirk, according to "the use and custome they have had since the "Reformation. The custome was to con- "veene with their pastors upon the Tuesday "before the first Communion-day. If anie "thing was amisse in the lifes, doctrine, or "anie part of the office of their pastors, everie "man had libertie to shew wherin they were "offendit; and, if anie thing was found "amisse, the pastors promised to amend it. "If they had anie thing likewise to object "against the congregation, it was likewise "heard, and amendement was promised. If "there was anie variance amongst neigh- "bours, paines were taken to make reconcilia- "tion, that so both pastors and people "might communicate in love at the banket of "love."—Having thus described the custom in use in Edinburgh since the Reformation, Calderwood proceeds (vii. 355-357) to give an account of what happened at the meeting this day in the Little Kirk of Edinburgh in conformity with that custom. The zealous Presbyterians among the Edinburgh people availed themselves to the full of the opportunity of calling the four ministers of Edinburgh, especially Mr. Patrick Galloway, and Mr. William Struthers, to a reckoning for their apostasy, or backsliding from their antecedents, in having accepted the Articles of Perth, and especially that one of them which enjoined kneeling at the Sacrament. After a good deal of heated argument between the objectors and the ministers, with threats on the part of the ministers that the proceedings would be reported to the King, the meeting, says Calderwood, "dissolved with great malcontent- "ment." He adds that Mr. John Hall, who was with the objectors at heart, but "would "not offend the King by not conforming, for "feare of lossing his pension," had got rid of the difficulty of the situation by obtaining leave from the King to resign his ministry, in respect of his age and infirmity.

[2] For the old story of the trial of John Buchanan and his wife Margaret Hartsyde, both servants in the royal household in England, on a charge of having stolen the Queen's jewels, see vol. VIII. by Index; and for sub-

Charge to a number of lairds and other persons on the Lennox to appear for consultation with the Council as to measures for suppressing disorders in that district.

"Forsamekle as the Lordis of Secreit Counsell ar informeit that of lait some great disordouris and insolenceis hes bene committit within the boundis of the Lennox be certane disordourit lymmaris and brokin men, who, without respect or regaird haid be thame to his Majesteis obedience and peace of the countrey, hes not only treasonabillie raised fyre and brynt the barnis pertening to Walter Buquhannane in Blairvokkie upoun the day of Februar lastbipast, bot with that thay have most schamefullie, cruellie, and barbarouslie slayne William Dow Buquhannane in Blairnavorde in Drummond, upoun the tent day of Marche instant, upoun sett purpois, provisioun, and foirthocht felloun; the impunitie of the quhilkis crymes will not onlie encur[age] otheris insolent lymmaris to do the lyke, bot wilbe ane occasi[oun of] mony utheris disordouris to fall oute in that pairt of the [countrie], quhilk now by his Majesteis princelie governament hes bene thir [mony] yeiris bygane setled in goode obedience: Thairfoir the Lordis of Secreit Counsall ordanis letteris to be direct chargeing . . . M^cFerlane of Gartavertane, Walter M^cFarlane, his el[dest sone, An]dro Moir M^cFarlane in Kepnoch, Andro M^cFarlane, his [sone], . . . M^cFarlane, his sone naturall, Johne Dow M^cFarlane . . . , Andro M^cFarlane, his sone, Andro M^cConeill M^c . . in Innerchonnerling, Andro M^cFarlane, his son, George M^cFar[lane] Roy, sone to umquhile Callum Beg M^cFarlane, Robert Colhoun in . . , Robert Colhoun of Camstrodane, Gawane Colhoun in Porte of . . , . . M^cAwlay of Ardinkapill, Mongo Lindsay of Bonull, Johne . . . of that Ilk, . . Bounteene of Ardoch, Walter M^cAula . . . , Johne Gallaway in bordland of Kilmaronnok, Alexander Vilsome, his . . , . . Drummond, officer to , Erll of Perthe, Johne Drummond [at the] mylne of Drummond, Johne Drummond in Drumleagart, . . Drummond in Spittell, Walter M^c . . in the mil- Fol. 167, a.
toun of Abirfoyle, . . Grahame in Stronnalaheair, Robert Buquhannane in Boquhastell, Williame Buquhannane of Portnellane, George Buquhannane in Gartincaver, Johnne Buquhannane in Ballindarane, &c., personallie, gif they can be apprehendit, and, failyeing thairof, at thair dwelling plaices, gif they ony have, and be oppin proclamatioun at the mercat croces of the heade burgh of the schyre quhair thay dwell, to compeir personallie befoir the saidis Lordis upoun the xxj day of Appryll nixtocum. to gif thair best advyce and opinioun how the present disordouris and insolencyis within the saidis boundis may be supprest, all future truble preventit, and the cuntrey keipt in quyetnes and obedience, under the pane of rebellioun, &c., with certificatioun, &c." Acta Sept. 1617–July 1620.

sequent mentions of one or other of them in the parts of Scotland in which they had been sentenced to confine themselves see vol. IX., also by Index. There had been a recent act for the liberation of the husband (*ante*, p. 350); and now this act for the liberation also of the wife completes the pardon of the couple after their punishment of more than ten years. As there was always some mystery about the affair of the stealing of the jewels, one wonders whether Queen Anne, in her long illness before her death, may not have had some compunctions of conscience about the treatment of her two old servants in connection with that business, and whether the late act in favour of the husband, and this in favour of both husband and wife, may not have been occasioned so.

Decreta Nov. 1617–Feb. 1620.

[Sederunt as recorded above.]

Edinburgh, 23rd March 1619.

Fol. 90, a. Complaint by Johnne Gordoun of Buckie, as follows:—The town and lands of Essilmonth belong to him heritably. Of late James Cheyne, sometime of Pennane, and Elspet Gordoun, his spouse, sister of George Gordoun of Geycht, have troubled him and his tenants. Whenever pursuer happens to be absent, defenders molest his said tenants, "compelling thame with oppin force and violence to yeild unto quhatsumeuir is demandit of thame." On the night of May last, defenders went to the dwelling house of Johnne Petrie in Essilmonth and Issobell Tilliry, his spouse, broke up the doors, made themselves masters of the house, opened lockfast "loomes" &c., and took away "the haill meite, drink, meill, beiff, and muttoun being within the same." When the said tenants requested them to depart, the said James set upon the said Johnne with a Fol. 90, b. sword and dagger, and would have slain him, had he not escaped from the house. Thereupon the said James "cryit for fyre," and endeavoured to burn the house. He was prevented by some neighbours who had gathered together. On July last, the said James went to pursuer's lands of Corstane and assaulted Johnne Ligertwood, another tenant, whom he felled to the ground. He then demanded some meal and malt from Johnne Ligertwood, but was refused. Thereupon, defender went to Johnne's house and took a large number of hens, capons, and other fowls. He swore that if he were again denied he should neither eat nor drink till he had taken the said tenant's life. When Ligertwood raised letters of lawburrows against defender, the latter vowed that he would take his life "in caise he gaif his aith that he dreidis him bodelie harme." On June 1617, the said defender went to the dwelling house of Alexander Anysoun in Cairnhill, another tenant of pursuer, assaulted him in a very cruel Fol. 91, a. manner, and swore that he would have his life, unless he removed from that town and the lands of Essilmonth or paid "in name of blak maill" a number of cayne fowls and a yearly pension. From November till February last the said James, his wife and servants, have gone to pursuer's barnyard of Essilmonth and taken away corn for the use of their horses and cattle. The said John Petrie having asked the said Elspet Gordoun to "forbeir suche unseamelie forme of doing," she thereupon, "consaueing ane heich offence aganis him, in the hicht of hir distemperit passioun and unrewlie humour, pat violent hand in him, and schamefullie and unhonnestlie strak and dang him with hir handis and feit on sindrie pairtis of his body, and left him for deid." Her husband has so often threatened to burn pursuer's houses, cornyards, &c., that his tenants and servants intend to "leave af the labouring of his lands, and to cast the same in his hands."—Pursuer appearing, and the said James Cheyne appearing for Fol. 91, b. himself and his said wife, the Lords assoilzie the defenders, because pursuer has failed to prove the foresaid charges.

John Gordon of Buckie against James Cheyne and others for continued molestation of himself and his tenants of the lands of Esslemont.

Complaint by James Wilsoun in Leith, and Jonet Wilsoun, his sister, as follows:—On instant, Johnne Alschander, miller at the mill of

James Wilson in Leith and

his sister against John Alexander and others for assault.

Innerleith, and William Ellone and Robert Wallace, servitors at the said mill, went, armed with "howis," axes, &c., to the seaside at Newheavin, west of the town of Leith, where the said James was gathering ware, and assaulted him so seriously that he would have been slain but for the timely intervention of some people. Thereafter they went to the lands of Newheavin belonging to Issobell Crawfurd in Newheavin, where the said Jonet Wilsoun, her daughter, was spreading the ware on the land, and committed a cruell assault on the "young hairmeles damosell."—Pursuers and defenders appearing, the Lords find the charge of assault upon the said Jonet proven, and order defenders to be detained in the Tolbooth of Edinburgh, there to remain at their own expense during their Lordships' pleasure. Decreta Nov. 1617–Feb. 1620. Fol. 92, a.

Commission for the apprehension of Hector Turnbull, at the horn on a charge of having murdered Gavin Elliot.

Commission under the Signet, signed by the Chancellor, Lauderdaill, and Binning, is given to William, Lord Cranstoun, the sheriff of Roxburgh and his deputes, Sir Scott of , Lieutenant of the Garrison in the Middle Shires, Douglas of Bonjedbruch, conjunctly and severally, to apprehend and exhibit Hectour Trumble in Clarilaw, who remains unrelaxed from a horning of 8th July 1618, raised at the instance of Helene Ellott, as relict, Gawane, Samuell, and Elisabeth Ellott, as children, and the remaining kin, of the late Gawane Ellott in Hassindeane Burne, for not finding caution to appear before the Justice to answer the charge of having murdered the said Gawane. Commissions. Fol. 75, b.

Edinburgh, 25th March 1619.[1]

Sederunt—Binning, *Preses*; Lauderdaill; Carnegye; Master of Elphinstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Advocate; Bruntylland; Kilsaythe; Ridhouse; Medop; Innerteill; Currihill; Marchinstoun; M^r^ Peter Rollok; Sir Andro Ker; Foistersait; Conservator. Acta Sept. 1617–July 1620. Fol. 167, a.

Charge to a number of Buchanans, on the one part, and a number of Macfarlanes and others, on the other part to appear and see order taken for the suppression of the present deadly feud between the Buchanans

"Forsamekle as, upoun occasioun of the cruell and detaistabill murthour of umquhile William Dow Buquhannane in Blairnavoird and of the treasonabill fyre raising and birneing of the barnis pertening to Walter Buquhannane of Blairvokkie, alledgit committit be certaine persones of the name of M^c^Fa[rlane], thair is a deadlie feade, haitrent, inimitie, raissin and fallin out betuix the names of Buquhannane and M^c^Farlane, thair kin and freindis, and thay [lie] at await to tak advantages the one of the uther, quhairupoun mony inconvenientis ar lyk to fall oute to the brek of his Majesteis peace and disquyet of that nuke of the countrey, quhilk by his Majesteis royall and princelie authoritie hes bene setled and thir mony yeiris bygane hes continewit in quyettnes and

[1] The altercation begun on the 23rd between the Edinburgh people and their ministers on the subject of kneeling at the Communion (*ante*, p. 549, footnote) broke out again this day at a meeting of the Edinburgh Kirk-Session to make preparations for the celebration of the Communion next Sunday. Mr. William Struthers was in the chair as moderator; and he and the other ministers had to sustain a protracted encounter of words and of determination with a certain Edinburgh citizen, named John Mean, who constituted himself the spokesman of the Presbyterian malcontents, and, according to Calderwood's account (vii. 357-359), had much the best of the affray both in argument and in temper.

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obedyence, without remeid be provydit: Thairfoir the Lordis of Secreit Counsall ordanis letteris to be direct chairgeing the persones particularlie underwrittin,—thay ar to say, W[alter] Buquhannane of Drummekill, Walter Buquhannane, his sone and appeirand air, William Buquhannane of Portnellane, Walter Buquhannane of D[rum]quhassill, Allaster Buquhannane in Gartoquhairne, Walter Buquhannane in Eister Ballat, William and Andro Buquhannaneis, his sones, Johnne Buquhannane in Middell Ballat, James Buquhannane, in Balf . . , Walter Buquhannane in Duchlas, John Buquhannane, notar in . . . kulloch, Johnne Buquhannane *alias* Finlayes sone thair, Alexander Buquhannane of Spittell of Caschlie, Duncane Buquhannane of Caschlie, Johnne Buquhannane, appeirand of Caschlie, Thomas Buquhannane in Blairnboird, Johne Roy Buquhannane thair, Patrik Buquhannane in Drumleggat, Patrik Buquhannane in Gartfirrand, Johne Buquhannane in Calinerowin, Walter Buquhannane of Cannochra, William Buquhannane in Gartoquharrane, Robert Buquhannane in Fynnik-tennent, Thomas Buquhannane in Ballaherwne, Thomas Buquhannane of Carbothe, Johnne Buquhannane in Auchinneddie, Walter Buquhannane of Spittell, George Buquhannane in Fynnarie, George Buquhannane in Blairlosk, Johne Buquhannane, his sone, James Buquhannane, his sone, Johnne Buquhannane in the uther halff of Blairlosk, Mongo Buquhannane in Tullochewrie, Walter Buquhannane in Cowgrayne, Walter Buquhannane of Blairvokkie, Walter Gilbertsone in Sallochie, Donald Buquhannane in Ardnill, Donald Buquhannane in Arrochibeg, Robert Buquhannane in Arrachimoir, Walter Buquhannane thair, George Buquhannane in Blayro, George Buquhannane in Gartinkabbir, Thomas Buquhannane at the mylne of Buquhannane, Thomas Buquhannane in Boirdland, George Buquhannane of Achinauar, Johne Buquhannane in Bellandorren *alias* Johne Beg, Johne Buquhannane, his sone, the Laird of Lany, younger, Robert Buquhannane *alias* Waltersone in Bachersill, Walter Roy Buquhannane, his sone, Archibald Buquhannane in Glengyll, Johne Buquhannane, sone to Salamone Buquhannane in Lanye, Johne Buquhannane in Arnpryowr, Andro Buquhannane in Burne of Arnpryour, Johne Buquhannane, his sone, Andro Buquhannane, his sone, Andro Buquhannane in Ardmoir, George Buquhannane, noter, George Buquhannane at the kirk of Kirpen, Walter Buquhannane, his brother, thair, on the ane pairt, and Johne M^{c}F[arlane] of Arroquhair, Walter M^{c}Farlane, his sone and appeirand air, Andro M^{c}Farlane, also his sone, Patrik, Malcome, and Duncane M^{c}Farl[aneis in] Palderchro, Duncane M^{c}Farlane, brother naturall to the la[ird of M^{c}]Farlane, Johne Dow M^{c}Farlane of Bracharne, Malcome M^{c}F[arlane in] Gartawrdane, Walter M^{c}Farlane, his sone and appeirand air, Joh[nne] M^{c}Farlane in Gartfarrand, Johne M^{c}Farlane, his sone, Andro M^{c}Farlane in Kepnoche, Allaster M^{c}Farlane, his sone, Andro M^{c}[Farlane], his sone, Johne Dow M^{c}Farlane, his sone naturall, And[ro M^{c}Far]lane in Layd, Johne M^{c}Farlane in Gartinbruddock, Andro [M^{c}Farlane] *alias* Gald, servitor to Andro

and the Macfarlanes, and meanwhile to find cautions for keeping the peace.

Fol. 167, b

Moir, George M^cFarlane in . . . , Andro, Duncane, and Malcome M^cFarlaneis, soneis to . . M^cFarlane in Lettir, Andro M^cFarlane in Myn, . . , Roy M^cFarlane in Commer, Dougald M^cFarlane of , Andro M^cCoull M^cFarlane in Innerchonnoglen, Andro [M^cFarlane], his lauchfull brother, Duncane M^cFarlane in Disch . . , Gald [Dou]gald (?) M^cFarlane in Tullochantaill, Duncane and Johnne M^c[Farlaneis], his sones, Robert M^cFarlane in Innergreddene, Duncane [Dow] M^cFarlane, his sones, Johne M^cFarlane, officer to the [laird of] M^cFarlane . . . . . Johne M^cFarlane, his sone, Patrik M^cFarlane, brother to the said P[atrik] M^cFarlane, officer, M[alcolme] M^cFarlane, chalmerlane to the laird of M^cFarlane, Johne M^cFarlane in Tarbat, Patrik M^cFarlane in [Tar]bert, Malcolme M^cFarlane in Stuikkinrobbert, Duncane M^cFarlane in Stukkincleuche, Malcome M^cFarlane in Innerrowlas, Andro M^cFarlane, sone to James M^cFarlane, Malcolme M^cFarlane in Inners . . , Robert M^cFarlane thair, Johne M^cFarlane in Ballamoir, Donald M^cFarlane thair, Andro M^cFarlane in Letterranye, Johne M^cFarlane in Correrclethe, James and Duncane M^cFarlaneis in Innerrewles, Duncane Ewir M^cFarland in Glenmollachane, Johnne M^cFarlane in Achvainan (?), Johne M^cFarlane in , Duncane Dow M^cFarlane, servitor to the Earll of Mynteithe, Robert M^cFarlane in Prestillache, Johne M^cFarlane in Strangfyne, Parland Beg M^cFarlane in Ardinolache, Johnne Dow M^cCleriche in Dow[an] (?), Parland M^cFarland in Staknye, Donald M^cFarlane, his father, Patrik M^cFarlane in Innersnaik, Malcolme M^cFarlane in Glenbowie, Duncane M^cFarlane in Rochois, Johne Dow M^cFarlane in Rochois, William M^cFarlane in Ballimoir, Andro M^cFarlane there, Johne M^cFarlane in Plichyit, Alexander M^c . . . of Ardinkapill, Johne Darleithe of that ilk, Mongo Lindsay of Bolloill, Bunteine of Airdoch, Johne Dow M^c . . in Gairlochheid, Robert Colquhoun of Ballairnik, Pa[rland] M^cFarlane of Auchinvannell, Robert Colquhoun, fear of Camstr[odane], Gawand Colquhoun in Port of Rosdew, Walter M^cLauchland [in the] Miltoun of Abirfoill, Alexander Grahame in St . . . auchland (?), Galloway in Kilmaronnok, Johne Bryse in Drumquhassell, George Drummond, officer to my Lord Drummond, Johnne Drummond at the [mill] of Drummond, Johnne Drummond in Drumlowert, Andro Drummond in Spittill, on the uther pairt,—to compeir personallie befoir the saidis Lordis upoun the xxj day of Appryll nixtocum to underly suche ordour as salbe taine with thame for the peace and quyetnes of the countrey, under the paine of rebellioun and putting of thame to the horne, with certificatioun to thame and thay failyie letteris salbe direct *simpliciter* to thame thairto; and in the meane tyme quhill thair compeirance befoir the saidis Lordis that thay observe our Soverane Lordis peace, keipe goode [reule] and quyetnes in the countrey, that thay forbear all unlawfull and [for]biddin waponis, as, namelie, hagbuttis and pistollettis, and that [thay nor] nane of thame presome nor tak upoun hand to invaide or persew one another for quhatsumevir deid, caus, or occasioun, utherwayes nor be ordour of law and justeice, nor do nor attempt any thing tending to the

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brek or violatioun of his Majesteis peace under the panes following: thay ar to say, the said William Buquhannane of Drummakeill, under the pane of thre thowsand merkis, the said Johnne M[c]Farlane of Arroquhair under the pane of fyve thowsand merkis, the said Malcolme M[c]Farlane of Gartavartane under the paine of four thowsand merkis, the said Walter M[c]Farlane, appeirand of Arroquhair, under the paine of thrie thowsand merkis, the said Walter M[c]Farlane, appeirand of Gartavartane, under the pane of thre thowsand merkis, the said Andro M[c]Farlane, sone to Walter M[c]Farlane, appeirand of Arroquhair, Johne Dow M[c]Farlane in Gartfarrane, Johne M[c]Farlane, his sone, Andro Moir M[c]Farlane in Kepnoch, ilkane of thame under the pane of tua thowsand merkis, the saidis Walter Buquhannane, appeirand of Drumnakeill, Duncane Buquhannane of Caschlie, George Buquhannane of Auchinmoir, Johne Buquhannane in Arnepriour, ilkane of thame under the pane of ane thowsand pundis, the saidis William Buquhannane of Portnellane, Walter Buquhannane in Drumquhassill, Walter Buquhannane in Eister Ballatt, Johne Buquhannane, appeirand of Caschlie, Walter Buquhannane of Cannochra, Thomas Buquhannane of Corbaithe (?), Johnne Buquhannane in Auchinneddine, Mongo Buquhannane in Tullichewne, Walter Buquhannane in Cowgrayne, Robert Buquhannane *alias* Waltersone in Boquhassill, Patrik, Malcolme, and Duncane M[c]Ferlaneis in Pulchro, Duncane M[c]Farlane, brother naturall to the Laird of M[c]Farlane, Johne Dow M[c]Farlane of Brachairne, Allaster M[c]Farlane, sone to Andro M[c]Farlane in Kepnoch, ilkane of thame under the pane of ane thowsand merkis, the said Walter Buquhannane of Blairvokkie, Walter R[oy] Buquhannane, sone to Johne Buquhannane *alias* Waltersone, ather of thame under the pane of fyve hundreth pundis, the saidis Johne [Bu]quhannane, sone to George Buquhannane in Blairlosk, and James [Bu]quhannane, also his sone, ather of thame under the pane of . . . hundreth merkis, and ilkane of the remanent personis a[bonewrittin] under the pane of fyve hundreth merkis: Certifieing thame that [sall do] in the contrair that thay salbe decerneit to have incurrit and to incure the panes *respective* abonewrittin, and letteris and execut[oriallis] salbe direct againes thame for payment of the saidis so[wmes to his] Majesteis Thesaurair and Deputie Thesaurair in his [Majesteis name] and to his Majesteis use in forme as effeiris."

Decreta Nov. 1617-Feb. 1620. Fol. 92, a.

[Sederunt as recorded above.]

Edinburgh, 25th March 1619.

Fol. 92, b.

Caption against Robert Irving and Hay of Urie for debt to Edward Johnston.

Complaint by Edward Johnnstoun, elder, merchant burgess of Edinburgh, that Robert Irwing at the Mill of Cowye, as principal, and William Hay of Urie, as cautioner, remain unrelaxed from a horning of 10th February last for not paying 200 merks and £10 for each boll of 2 chalders of the crops for 1615-18, together with 100 merks of expenses, and £6 and 40s. for collector's fee.—Pursuers appearing personally, and defenders not appearing, the Lords give order to the

Captain of the Guard to apprehend defender, take his houses, and inventory his goods for the King's use. Decreta Nov. 1617-Feb. 1620.

Caption against Thomas Gifford in Dalkeith for debt to James Hope in Peebles.

Complaint by James Hoip, merchant burgess of Peblis, that Thomas Giffart in Dalkeith remains unrelaxed from a horning of 3rd January last for not paying £60 of principal and 10 merks of expenses.—Pursuer appearing by Alexander Douglas, macer, and defender not appearing, the Lords give order as above. Fol. 93, a.

Caption against Alexander Dunbar, apparent of Mochrum, and James Kennedy of Crugiltoun, for debt to James Aikman.

Complaint by James Aikman, merchant burgess of Edinburgh, that Alexander Dumbar, apparent of Mochrum, and James Kennedy of Crugiltoun remain unrelaxed from hornings of 29th December and 7th January last for not paying these sums,—the said Alexander £1507,13s. 4d. of principal and £300 of expenses, and the said Alexander and the said James £1406, 13s. 4d. of principal and £200 of expenses.—Pursuer appearing by Alexander Douglas, macer, and defenders not appearing, the Lords give order as above. Fol. 93, b.

Caption against Bessie Johnston and her sons for not finding caution for the indemnity of Ninian Johnston of Podeane and other Johnstons.

Complaint by Niniane Johnnstoun of Podeane, Ambroise Johnnstoun, younger of Podeane, Johnne Johnnstoun of Mailingschaw, Williame Johnnstoun, his son, there, Archibald and Robert Johnnstoun in Moffett, Robert, Symeone, and Gawine Johnnstone, his brothers, Thomas Johnnstoun, called of Chappell, Niniane Johnnestoun, called of Podeane, Robert Johnnstoun in Newtown, and Hew Johnnestoun, his son, that Bessie Johnnstoun, relict of James Grahame of Langboddum, James, Johnne, Patrik, and David Grahame, their sons, remain unrelaxed from a horning of 6th February last, for not finding caution for their indemnity.—Pursuers appearing by Johnne Johnnstoun, writer, and defenders not appearing, the Lords give order as above. Fol. 94, a.

Caption against Lawrence Anderson for debt to Mr. Patrick Nisbet.

Complaint by Mr Patrik Neisbit, advocate, assignee of Mr James Bannatyne of Newtyld, one of the commissaries of Edinburgh, that Lawrence Andirsoun at the mill of Newtyld remains unrelaxed from a horning of 13th January last for not paying 500 merks of principal and £20 of expenses.—Pursuer appearing by Alexander Douglas, macer, and defender not appearing, the Lords give order as above. Fol. 94, b.

Andrew Wilson against David Armstrong of Woodhouselee and his son for assaulting his ploughmen and threatening his tenants.

Complaint by Andro Wilsoun in that on instant David Armestrang of Wodhousleis, and Johnne Armestrang, his son, went armed to pursuer's "gangand pleuch" on the lands of Codylwood, unyoked and cruelly struck and wounded the oxen thereof, assaulted his ploughmen Symone Armestrang and Andro Young, and thereafter went about threatening and striking his tenants so that now they intend to leave his lands.—The said ploughmen appearing for themselves and their said master, and defenders not appearing, the Lords order defenders to be denounced rebels. Fol. 95, a.

Case of Gibson and another against Anderson.

The Lords continue to the last Council day of May the hearing of the complaint of Robert Gibsoun, burgess of Elgine, and Duncane , formerly tenants of Sir Johnne Seatoun of Barnis, against Alexander Andirsoun in Inchernoche anent an alleged assault. Fol. 95, b.

Complaint by George Ker in Quhitrikmylne as follows:—He is

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charged by letters of lawburrows, raised at the instance of Johnne Halyburtoun of Mertoun, to find caution in the sum of 500 merks. The execution of this process is unjust, (1) because pursuer has given no cause for the raising of the said letters, and (2) because, even if the reasons were just, the sum is extraordinary, and should be modified to 100 merks; but pursuer for obedience has found caution for £500.—Pursuer appearing personally, and defender appearing by Mr Olipher Sinclair, the Lords suspend the said process, and order pursuer to find caution in the sum of 200 merks. Suspension of process against George Ker.

Fol. 96, a.

Cautions 1619.

Caution for Johnne Kennedie (*Imperfect*). Before 26th March 1619.

Caution by . . . , brother german of Andro Scot of , Pringle.

Fol. 2, a.

for . . [Hop?]pringle in Phillophaugh, not to molest William Ellot [in] Selkirk and his family, &c.

This day appeared by procurator Jeane Bogill, daughter of the late Johnne Bogill, and acknowledged receipt of a certain sum of money (*Imperfect*). 26th March 1619. Jean Bogle.

Fol. 2, b.

Caution for Alexander Andirsoun by Jennet (?) Bayne, fiar of Dryne (*Imperfect*). Before 30th March 1619. Anderson.

Caution by Williame Whyte, tailor, burgess of Edinburgh, for Williame Allane, miller at Innerleith Mill, by James Alexander, miller "at the toun mylnes of Edinburgh," for Johnne Alexander, miller at the mill of Innerleith, and by George Wallace, miller at the "new mylne at the Stok Brig" for Robert Wallace, his son, miller at Innerleith mill, not to molest James Wilsoun in Leith, and Jonet Wilsoun, his sister, there, and their servants,—each in the sum of £100 (*ante*, p. 551). Cautions for several Inverleith millers.

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Fol. 168, b.

Sederunt—Chancellor; Treasurer; Huntlie; Wyntoun; Lotheane; Lauderdaill; Binning; Lord Gordoun; Carnegye; Treasurer-Depute; Privy Seal; Justice Clerk; Advocate; Kilsaythe; Bruntyland; Ridhouse; Medop; Curryhill; Inner[teill]; Fostersaitt; Mer[chinstoun]; Mr P. [Rollok]; Sir And[ro Ker]. Edinburgh, 30th March 1619.[1]

[1] The preceding Sunday, 28th March, had been Easter Day,—the first Easter Day since the promulgation of the unpopular Articles of Perth; and there had naturally been much anxiety, in the excited state of public opinion on the subject of those Articles, as to how the day would pass off in Edinburgh. Calderwood, after saying that the Edinburgh ministers, to allure to the churches as large a number of the population as possible, had intimated that kneeling at the Communion would be left optional, narrates as follows (vii. 359-360):—"The inhabitants of "the toun went out at the ports in hun- "dreths and thousands to the nixt "adjacent kirks [*i.e.*, to the kirks outside the "town]. These who did communicate [in "the city kirks] either kneeled not, or, if "they kneeled, were of the poorer sort, who "lived upon the contribution [the money "collected at the service], and kneeled more "for aw nor for devotion, or were members of "the Secrete Counsel, or of the Colledge of "Justice. Some were deceaved with the "offer of the ministers; for, when they came, "the ministers used all the meanes they "could to caus them kneele. Some were "dashed and kneeled, but with shedding of "teares for greefe. Cold and graceless were "the Communions, and few were the com- "municants. The Chancelour, the President, "and other Lords of Secrete Counsell and "Session, except Sir George Areskine, Lord "Innerteill, and Sir James Skeene of Currihill, "and sundrie advocates, communicate in the "Great Kirk. Sir William Nisbitt, Provest

Composition with Christian Lindsay, widow of William Murray, late master of his Majesty's carriage, for vacating the houses in Holyrood Palace occupied by herself and her children, with directions for the payment to her of the sum compounded for, together with £200 sterling previously granted to her in remembrance of her late husband's services to his Majesty.

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"Forsameikle as, the [Lordis of Secreit Counsall] haueing considderatioun of the [lang], trew, and faithfull service done to his Majestie be umquhile William Murray, maister of his Majesteis cariadge, who spent his haill youthe and tyme, and in end finisched his course and depairtit this lyffe, in his Majesteis service, his Majestie wes gratiouslie pleasit in remembrance thairof to acknowledge Cristeane Lindsay, relict of the said umquhile William, for the help and support of hir and hir poore fatherles bairnis, with the sowme of tua hundreth pundis sterling money, extending in Scottis money to the sowme of tua thowsand foure hundreth pundis, and his Majestie directit his precept to his Thesaurer for payment of the said sowme unto hir, as the said precept bearis; lykeas, his Majestie finding it verrie unseamelie that ony pairt of his Majesteis pallice of Halyrudhouse, especiallie these houssis inhabited be the said Cristiane Lindsay, sould be possest be ony uther then his Majestie him selff, seeing thay ly within the utter closse of the said pallice and are a pairt thairof, his Majestie thairfoir be his letteris directit unto the Lordis Commissionaris of his Majesteis rentis willed thame to deale with the said Cristeane and hir sone, in whose persone the rycht of the saidis houssis standis, for disponeing and quytting of the same to his Majestie for a reassonabill compositioun: According to the quhilk letter his Majesteis Thesaurair and Deputie Thesaurair hes delt and travellit with the said Cristeane and hir sone in the mater foirsaid, and hes maid conditioun and bargane with thame for thair rycht of the saidis houssis upoun the sowme of tua thowsand fyve hundreth merkis to be payit to thame for the same. Quhilk conditioun and bargane maid be the saidis Thesaurair and Deputie Thesaurair with the said Cristeane Lindsay and hir sone the Lordis of Secreit Counsall Commissionaris of his Majesteis Rentis allowis to be weill maid for his Majesteis benefeit and proffeit, and declairis that the saidis Thesaurair and Depute Thesaurair hes caryed thame selffis thairintill with goode respect, foirsicht, and discretioun, and thairfoir ordanis thame to mak payment to the said Cristiane Lindsay of the sowme foirsaid of tua thowsand four hundreth pundis specifeit and contenit in the precept foirsaid, togidder with the sowme foirsaid of tua thowsand fyve hundreth merkis as for the pryce of the said housis, at the termes following,—that is to say, the sowme of tua thowsand pundis presentlie, and the rest of the said sowme at the feist of Lambmes nixtocum. Anent the payment of the quhilkis sowmes the extract of this act, with the acquittances of the pairty, salbe unto the saidis Thesaurer and Deputie Thesaurer and to the ressavearis of his Majesteis Rentis ane sufficient warrand."

"of Edinburgh, absented himself, resolved
"not to communicate kneeling. . . .
"There were fewer communicants in the
"Colledge Kirk, yit the most pairt kneeled
"not. The Communion was celebrate this
"same day in the Abbay Kirk, the West
"Kirk, and in the Kirk on the north side
"of the bridge of Leith, efter the old forme;
"wherunto the inhabitants of Edinburgh
"resorted in great numbers. . . . It is
"not to be past over in silence how that,
"when Johnne Lauder, minister at Cock-
"burnspeth, was reaching the breade till
"one kneeling, a blacke dogge start up to
"snatche it out of his hand."

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[Sederunt as recorded above.]

Edinburgh, 30th March 1619. The King's Advocate and Lord Gordon against the Earl of Tullibardine and the Laird of Grant as cautioners for Sir Lauchlan MacIntosh: the caution declared forfeited, and Sir Lauchlan ordered to pay a fine of £2500 to Lord Gordon.

Fol. 96, b. Complaint by the King's Advocate, and George, Lord Gordoun, as follows:—On 30th March 1615 Williame, Earl of Tullibardin, and Johnne Grant of Freuchie became cautioners for Sir Lauchlane M^cIntosche of Dunnauchtane for his good behaviour and ready appearance before the Council. The said Sir Lauchlane, however, from that time conducted himself ill and endeavoured to cause "grite trouble, bloodsched, and
Fol. 97, a. uther inconvenientis" in his district. Lord Gordoun, having obtained a decree for recovery of the teinds of defender's lands of Cullodin in the parish of Innernes, of which he is tacksman, had sent Robert Stewart, messenger, on 10th September last, to poind the corn, &c., and with him James Andirsoun, his factor, some boys, horses, and "sleddis." Defender, having heard of their intention, had sent Allan M^cIntosche, his uncle, Robert Ramsay *alias* Robert Abroche, and others, to the number of 80, armed with bows, targes, hagbuts, pistollets, &c., to the ford of the water of Cullodine. They divided themselves into several companies and lay in wait for the messenger and his assistants. "And, howsoone thay approtchet neir the foord, the saidis personis in a grite raige and furie addressit thame selffis to the said messinger and the Lord Gordonis servandis, bendit thair bowis, hagbutis, and pistolletis, presentit the same to the breistis of the said messinger and the said Lord Gordonis servandis, awfullie demanding of thame how thay durst come thair for suche ane earand, threatnit thair lyveis gif thay depairtit not presentlie, affermeing constantlie that thay had directioun frome M^cIntosche thair maister to
Fol. 97, b. slay thame or ellis to stay thame, and compellit thame thairby for preservatioun of thair lyveis to returne and go bak." Pursuer redirected his servants on 21st following, but they met with a like reception, and returned as before. Sir Lauchlane was charged to appear on 3rd December last, but did not obey the summons. The Lords accordingly found him guilty. His cautioners should now be ordered to forfeit the sum of £5000.—Pursuers appearing, and the said Sir Lauchlan M^cIntosche being present, but the said Johnne Grant not appearing, the Lords declare that the said Sir Lauchlane and the said Johnne Grant, his
Fol. 98, a. cautioner, have incurred the foresaid penalty of £5000. Also, the Lords, "having consideratioun of the said Lord Gordoun his dewtifull cariage and behaviour in forbeiring all violent reparatioun of the said wrong," order the said Sir Lauchlan to pay £2500 to the said Lord Gordoun, to remain in Edinburgh during their Lordships' pleasure, and to find caution to that effect in a further sum of 5000 merks.

Caption against Macfarlane of Arrochar and others for debt to Archibald Primrose.

Fol. 98, b. Complaint by Archibald Prymrois, writer in Edinburgh, that Johne M^cFarlane of Arroquhair, Andro Moir M^cFarlane in Bonassen, and Dougall M^cFarlane in Tullichintoull remain unrelaxed from hornings of 23d and 26th February last for not paying £900 of principal and £200 of expenses.
Fol. 99, a. —Pursuer appearing by Alexander Douglas, macer, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend

defenders, take their houses, and inventory their goods for the King's use. Decreta Nov. 1617–Feb. 1620.

Captions against Mr. Robert Home and Mr. William Home, at the instance of Andrew Plumber and Thomas Ewing.

Complaint by Andro Plumber, writer in Edinburgh, and Thomas Ewing of Crokispow that Mr Robert Home of Carrelsyde remains unrelaxed from a horning of 11th and 22nd February last, raised at the instance of the foresaid Andro, for not causing Alexander Mitchelsoun of Blakhauch, Robert Mitchelsoun, his son and heir, Alexander Pringle in Neuthorne Mill, Waltir Pringle, his son, and John Huntrodis in St Johnneschapell subscribe as cautioners for the said Mr Robert Home, and for not paying him, and Abigaill Armsetrang, his spouse, £100 of expenses; and that Mr Williame Home of Graden remains unrelaxed from a horning of 9th October last, raised at the instance of the said Thomas, for not paying 600 merks of expenses.—Pursuer appearing by Alexander Douglas, macer, and defenders not appearing, the Lords give order as above. Fol. 99, b.

Caption against the Countess of Orkney and her children for debt to the relict of Robert Stewart, late Provost of Linlithgow.

Complaint by Jonnett Forrest, relict of Robert Stewart, provost of Linlithqw, that Dame Margaret Levingstoun, Countess of Orknay, as principal, and Johnne, Margaret, and Anna Bellindane, her children, as cautioners, remain unrelaxed from a horning of 19th instant for not paying £524, 13s. 4d. and £100 of expenses.—Pursuer appearing by Alexander Douglas, macer, and defenders not appearing, the Lords give order as above. Fol. 100, a.

Caption against Patrick Oliphant for debt to Andrew Taylor.

Complaint by Andro Tailyeoure in the Mains of Brakie that Patrik Oliphant of Ovirturrens remains unrelaxed from a horning of 12th April 1616 for not paying to him, as assignee of Thomas Ogilvy, citizen of Brechin, the sum of £140 due for 24 bolls of "cheritit beir."—Pursuer appearing by Alexander Douglas, macer, and defender not appearing, the Lords give order as above. Fol. 100, b.

Government prosecution of a number of persons for remaining obstinately at the horn.

Complaint by the Treasurer, Treasurer-Depute, and King's Advocate against the following persons:—William Dumbar of Braco, Johnne Mylne in Inchedenny, David Ros, servitor to Johnne Grant of Freuchie, Patrik Ros, provost of Narne, Johnne Inglis, burgess there, Alexander Dumbar of Aslesk, Alexander Russell in Monachtie, Alexander Archibald in Rosfylendner, Alane Gordoun in Dinkintie, Donald Symsone in Bellie, Waltir Duncane in Germonth, James Cruikshank in Ordidarache, Williame Logane in Ordiquheich, Andro Leslie in Culreach, Alexander Robertsoun there, Mr James Dumbar, sometime of Tarbet, Thomas Elschouer at the mill of Kilboyak, Alexander Dumbar of Kilboyak, Chairlis Reid, burgess of Forres, Johnne Dumbar, burgess there, Alexander Boynd, burgess of Elgin, George Cuming, burgess there, James Grant of Innerrernane, James Grant in Dultulliche, brother of the goodman of Cairnis, Ferquhair McNeill in Knokairdocht, Hectour Calder in Blairschynnoch, Williame McCondoquhy in Tomdow, Allane Stewart in Lynmoir, Archibald Ramsay in Culquoyche, Robert Fithie there, Johnne Forbes in Keithmoir, Johnne Scherair, son of Patrik Scherair, Alexander Forbes there, James Scherair there, Alexander Hill in Balvanie, James Dey there, Johnne Roy, merchant there, Alexander Scherar there, Johnne McAndrow there, Donald Fol. 101, a.

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Troup there, Alexander Duff there, Thomas Stewart in Eskbwy, James Grant, sometime of Elscheis, and Mr Johnne Sutherland, chancellor of Caithnes, that they remain at the horn, and "are so fer fra making ane accompt or of standing in feir for thair rebellioun as moist pairt of thame in disdane of law and justice do ly at the horne, quhairas obedience on thair pairt is possible, easie, and facile, and utheris of thame, haueing taikin ordoure for satisfactioun of thair creditouris, are so fer frome fretheing thame selffis frome that bloite of thair former rebellioun and contempt as thay rather mak choise to ly still at the horne then to procure thame selffis relaxt."—Pursuers appearing, and defenders not appearing, the Lords order the said persons to be denounced rebels.

Fol. 102, a.

John Book and his wife against Livingston of Haning for violence and assault.

Complaint by Johnne Book in Bambreiche and Marjorie Drummond, his spouse, as follows:—Johnne Levingstoun of Hanyng summoned pursuers before his baron-bailie on 24th instant, to hear themselves decerned to have "tynt and auntit" the tack of the lands of Bambreiche with their moveables on the same, and to hear that the same belonged to the said John Levingstoun for an alleged deforcement of his officer at the poinding of a horse belonging to pursuers for payment of a debt due by Robert Book in . Pursuers had obtained from the Lords of Council and Session letters of advocation ordering Johnne Boyd, bailie of the said barony, and all others, not to proceed till a certain day named in the said letters. Pursuers appeared at the court at the place of Hanyng. Before the sitting of the court the said John Levingston asked for the letters of advocation, but pursuers refused to surrender them "quhill thay did the same juditiallie." Whereupon the said John, though in his own

Fol. 102, b.

house, drew a whinyer, held it to the said Marjorie's heart, and threatened her life if she did not give up the letters. She thereupon caused Johnne Mongill in Bambreich, "before the doun sitting of the courte oute of judgment," to deliver to the said John and to his bailie a just copy of the same, and caused him to read the original to them. During the reading the said document, John "in a furious and raigeing maner lape to the said Johnne Mongill, and reft fra him the saidis letteris, and in reiveing quhairof he rent the same in peeceis and kaist the same undir his feit, and maist disdanefullie trade upoun the same." He then committed a cruel assault upon the said Marjorie, wounding her in the head and face with his whinyer, and striking her on the breast with his "fauldit neve" and the heft of his whinyer. Thereafter he chased pursuers out of

Fol. 103, a.

court with his weapon.—Pursuers and defender appearing, the Lords assoilzie defender, because pursuers have failed to prove their charges.

Fines. Fol. 55, b.

Mackintosh and Grant.

Sir Lauchlane McIntosche of Dunnauchtane and the laird of Grant fined, as narrated in the *Decreta, ante*, p. 559.

Commissions. Fol. 76, a.

Licence to Mr. Alexander Irving to go abroad.

Licence under the Signet, signed by the Chancellor, Huntlie, Mar, and Lotheane, is given to Mr Alexander Irwing of Hiltoun to go abroad and remain for three years, without skaith to person or goods, provided he behave as a dutiful subject during his absence.

Sederunts. Fol. 37, a.

George Drummond.

"Ane missive to the Deputie of Irland in favouris of George Drummond."

[31st March] 1619.[1]

Caution for Patrik . . in 300 merks not to molest . . . in Catchelraw and Robert . . . Cautions. Fol. 2, a.

Caution by Thomas Anderson, burgess of Edinburgh, for James Sandilands, baker, that he will not molest Tobias Broderstanes and others.

This day appeared Thomas Andersone, merchant burgess of Edinburgh, and became cautioner for James Sandilandis, baker, "indweller outwith the West Port in the Kingis Stables," in 500 merks, not to molest Tobias Broderstanes, "portioner of his Majesteis saidis stabillis under the Castell wall of Eddinburgh," Johnne and Robert Broderstanes, indwellers there, Edward Waterstoun there, Adame Bar there, James Walker there, Robert Broderstanes, servitor to the laird of Innerleyth, William Broderstanes in Prestoun, Johnne and Patrik Broderstanes there, George Wilsoun in Gullane, Patrik and Robert Watsone, and Martene . . , at the West Port of Edinburgh, and their families and kin.

2nd April 1619. Caution for John Thomson and his mother.

This day appeared James Hendirsoun, surgeon, burgess of Edinburgh, Fol. 3, a. and Cuthbert Mure, furrier, burgess of the same, and became cautioners for Johnne Thomesone, brother of James Thomsoun at Innerwry . . and Barbara Saidie, his mother, not to intercommune with the said James during his rebellion anent the slaughter of Johnne Wilsoun in Newheavin, each under the pain of 300 merks.

7th April 1619.[2] Caution for Robert Halcro.

This day appeared William Colvill of Midhous in Orknay and became Fol. 3, a. cautioner for Robert Halcro of Cavay not to molest James Stewart of [Graim]say and Patrik, his son, and their families and kin, under the pain of £1000.

8th April 1619. Caution for the appearance of William Colvill and others to answer to charges against them.

This day appeared Patrik Paipla, merchant, and became cautioner for Fol. 3, b. Williame Coluill of Midhous, Johnne and James Coluill, his brothers, and Robert Bellindane, servitor to Mr Robert Hendersoun of Holland in Orknay, to appear on 12th May next in answer to the charges preferred by the King's Advocate and Robert Menteith of Eglischaw (*ante*, p. 544),

[1] In the course of the month just ended there had been three important promotions in the Scottish peerage. On the 12th of March 1619 Thomas Erskine, one of the gentlemen of the King's bedchamber, who had been Viscount Fenton since 1606, became Earl of Kellie; on the 16th of the same month Walter Scott, Lord of Buccleuch since 1606, became Earl of Buccleuch; and on the 20th Thomas Hamilton, the able and successful "Tam o' the Cowgate," who had been Lord Binning and Byres since 1613, became Earl of Melrose,—way having been made for his assumption of this title by the exchange by Sir George Ramsay of the title of Lord Ramsay of Melrose, bestowed upon him in August 1618, for that of Lord Ramsay of Dalhousie. All the three new Earls were members of the Privy Council; and Calderwood suggests that the promotion of Secretary and President Lord Binning at this time to the Earldom of Melrose was "noe doubt for the good service he had done in advancing the state of bishops and course of conformitie."

[2] There was no abatement yet of the popular commotion on the subject of the Five Articles of Perth, or of the conflict on that subject between the authorities and the nonconforming ministers and laity. There had been meetings again of the Edinburgh kirk-session, on the 1st and 3rd of April, with renewal of the combat of words between the ministers of the town and the bold John Mean. Calderwood devotes four pages (vii. 361–364) to an account of the combat, and adds that about the same time Archbishop Spotswood was threatening the non-conforming ministers of the parishes round Edinburgh with the loss of their stipends or even banishment to America, while Archbishop Law of Glasgow was taking down the names of nonconforming ministers in the West.

Cautions.

the said William under the pain of 2000 merks, and the others under the pain of 500 merks each. The said Patrik named the dwelling house of Abrahame Wauchop in Leith as a place for receiving intimation, &c. (Signed) P. PAIPLA.

Acta Sept. 1617-July 1620. Fol. 169, b.

Sederunt—Chancellor; Treasurer; St Androis; Glasgow; Wyntoun; Melros; Lauderdaill; Maxuell; Master of Elphingstoun; Treasurer-Depute; Justice Clerk; Kilsayth; Advocate; Bruntyland; Ridhouse; Medop; Currihill; Innerteill; M^r^ Peter Rollok; Conservator. Edinburgh, 21st April 1619.[1]

Instruction to James Murray, merchant burgess of Edinburgh, to buy at Danskene, or elsewhere abroad, 500 stone weight of gunpowder, and bring the same to Leith for the replenishing of the Castles of Edinburgh and Dumbarton, where the stock of gunpowder is nearly exhausted.

"Forsamekle as the Lordis of Secreit Counsaill are informed the haill poulder being within his Majesteis castellis of Edinburgh and Dunbartane is now almost spent and verrie litle is left thairin, sua that, gif ony occasioun of service sall intervene and fall oute, the want of poulder wilbe ane grite hinder and prejudice thairunto; and the saidis Lordis being cairfull that some new provisioun of poulder be maid for the saidis castellis to the effect the same may be in reddynes for all occasionis of his Majesteis service as they salhappin to fall oute: Thairfoir the saidis Lordis ordanis James Murray, merchant burgess of Edinburgh, be him selff or his factouris in his name, to provyde and buy within the toun of Danskeine, or ony pairt in the Easter Seas quhair thay may find the best mercat, fyve hundreth stane weyght of cannoun poulder, and to bring the same hame to this countrey, and delyver the same to his Majesteis Thesaurer or Depute Thesaurer, to the effect thay may caus the same be putt in his Majesteis saidis castellis, thair to remaine and be in reddynes at all occasionis of his Majesteis service: At the delyverie of the quhilk poulder at the porte of Leyth, as the plaice appoyntit and designeit for this purpois, the saidis Lordis ordanis that thankfull payment be made to the said James of the pryces of the same poulder, according to the proportioun and raite useit betuix merchant and merchant for every goodeling of thair imployment [bot] wairning."

Robert, Lord Maxwell, admitted of the Privy Council.

Fol. 170, a.

This day Robert, Lord Maxuell, was admitted of the Counsell, with the usual formalities, in accordance with the following royal letter:—"Right trustie and right weilbelovit Counsallour, [wee greete yow weill]. Whairas we are sufficientlie perswadit of the qualificatioun of the Lord Maxuell and of the goode affectioun to the advancement of our service, we are weill pleased to preferre him to a place in our Previe Counsaill of that our kingdome, and thairfor have thoght goode by these presentis to will and requyre yow cause minister unto him the oath accustomed in

[1] Of note among the incidents between the last sederunt of Council and the present had been the appearance before the Court of High Commission at St Andrews, on the 13th of April, of Mr. Andrew Duncan, minister of Crail, and Mr. Thomas Hogg, minister of Dysart, both charged with contumacious opposition to the Five Articles of Perth. Mr. Hogg's special offence was having attacked the Articles publicly in a sermon preached before the Presbytery of Kirkcaldy; and Calderwood reports at some length (vii. 365-369) what passed in the High Commission in *his* case, Archbishop Spotswood's interrogatories and Mr. Hogg's answers to them included. There was an adjournment of the business in both cases to another meeting of the Court to be held at Edinburgh on the 22nd of April.

the lyke cases and admitt him to our said Counsaill to have and enjoy all honoris, digniteis, priviledgeis, and immuniteis which any uther oure Previe Counsallor enjoyeth by reasoun of his plaice in our said Counsell. And these presentis salbe unto yow in that behalff a sufficient warrand. Fairweill. Gevin at Roystoun, the 27th of Marche, 1619."[1] Acta Sept. 1617–July 1620.

Edinburgh, 21st April 1619.

[Sederunt as recorded above.] Decreta Nov. 1618–Feb. 1620.

Four Macfarlanes denounced for non-appearance.

In consequence of the feud between the Buquhannanes and the M^cFarlanes on account of the murder of William Dow Buquhannane and the burning of the barns of Waltir Buquhannane in Blairvokkie by some of the M^cFarlanes (*ante*, p. 522), Andro Moir M^cFarlane in Kepnoch, Allaster and Andro M^cFarlane, his sons, and Malcome M^cFarlane in Pulthro had been charged to appear this day.—The said persons not appearing, the Lords order them to be denounced rebels. Fol. 103, a.

Cautions for the appearance of a number of Macfarlanes.

This day appeared Malcome M^cFarlane of Gartavertane, and became cautioner for Waltir M^cFarlane, fiar of Gartavertane, and Malcome M^cFarlane, son of the late Waltir M^cFarlane in Lettir; also, Johnne M^cFarlan of Arroquhair, who became cautioner for John Dow M^cFarlane in Gartfarrane, Andro M^cFarlane, his eldest son, and Duncane M^cFarlane, natural son of Andro M^cAwle M^cFarlane; also, Waltir M^cFarlane, apparent of Arroquhair, for Williame M^cFarlane, natural son of Andro Moir M^cFarlane: all to the effect that the said persons shall appear to the charge of robbing , miller in , murdering Williame Dow Buquhannane in Blairnaboord, and burning the barns of Waltir Buquhannane in Blairvokye, each under the pain of 500 merks. Fol. 103, b.

Macfarlane of Arrochar and Macfarlane of Gartavertane ordered to give in a perfect roll of their clansmen.

"The Lordis of Secrite Counsaill ordanis Johnne M^cFarlane of Arroquhair and Malcome M^cFarlane of Gartavertane to gif in to the saidis Lordis betuix and the first Counsaill day of Junij nixttocome ane perfyte roll of the haill personis of the name of M^cFarlane for quhome thay and ather of thame wilbe ansuerable. Quhilk the saidis personis, being personalie present, promeist to do." Fol. 104, a.

Caption against Cunningham of Polquharne and his son for debt to Kennedy of Ardmillan.

Complaint by Thomas Kennedy of Ardmillane that Williame Cunynghame, elder of Polquharne, and Johnne Cunynghame of Knokguldane, his son, remain unrelaxed from a horning of 30th January last for not paying 250 merks of principal and £50 ef expenses.—Pursuer appearing by Alexander Douglas, macer, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, take their houses, and inventory their goods for the King's use.

Alexander Fleming of Barrochane, and Finlay Wilson, his

Complaint by Alexander Flemyng of Barrochane, and Finla Wilsoun, his tenant at , as follows:—Alexander Patrik in Netherglen has Fol. 104, b.

[1] This Robert, Lord Maxwell, was the brother of the more notorious John, Lord Maxwell, who was beheaded in 1613 for the slaughter of the Laird of Johnston and other crimes. See *ante*, vols. viii., ix., and x., by Indexes, for the career of the late lord, and for notices of the present lord in connexion with that career or subsequently. The lordship had been forfeited by the late lord's treason, but had been restored in favour of the present Robert.

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conceived a grudge against pursuers, and, "being loath directlie to mell with the persewing of thame of thair lyveis," has devised means such as the following:—During the night of Sunday, 21st March, defender and his accomplices went to the said tenant's lands of and "sew the haill boundis and ground of the saidis landis, bothe aitland, beirland, lintland, and gres of the same landis, with guild seid and with the aboundance of uther wyld and infective seidis brocht with thame for the purpois," so that the said lands are utterly spoiled for this year and some years to come.—The said Finla Wilsoun appearing personally, and the said Alexander Flemyng of Barrochane appearing by Patrik Flemyng, fiar of Barrochane, his son, and defender not being present, the Lords order defender to be denounced rebel.

tenant, against Alexander Patrick for malicious mischief.

Fol. 105, a.

Complaint by Johnne Dobie, merchant burgess of Edinburgh, that George Mertene of Cardoun remains unrelaxed from a horning of 1st May 1618 for not paying 2000 merks of principal and 200 merks of expenses.—Pursuer appearing by Alexander Douglas, macer, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, take his houses, and inventory his goods for the King's use.

Caption against Martin of Cardoun for debt to John Dobie.

Fol. 105, b.

Complaint by Johne Satlingtoun, son and heir of the late Johnne Satlingtoun of Stanehouse, and Williame Douglas, younger of Caschogill, that Andro Rorisoun of Bardannoche remains unrelaxed from a horning of 5th March for not fulfilling the minute of a contract between them, dated 30th June 1604.—Pursuers appearing by Alexander Douglas, macer, and defender not appearing, the Lords give order as above.

Caption against Andrew Rorison of Bardannoch for non-fulfilment of a contract.

Fol. 106, a.

Complaint by Dame Grissell Merser, Lady Garnetullie, and James Ogilbie of Clova, now her spouse, that Johnne Creichtoun of Strathurd remains unrelaxed from a horning of 27th May 1617 for not fulfilling a contract between him and the late Sir Thomas Stewart of Garnetullie and the said Dame Grissell, dated 8th June 1611.—Pursuers appearing by Alexander Douglas, macer, and defender not appearing, the Lords give order as above.

Caption against John Crichton of Strathurd for non-fulfilment of a contract.

Fol. 106, b.

Complaint by the Treasurer, Treasurer-Depute, and King's Advocate that the following persons remain at the horn,—viz.: Alexander Gordoun in Cormellat, Williame Gordoun of Rothemay, Adame Langmure, portioner of Balnamane, Thomas Tailyeour in Balnabroiche, George Hay in Echreis, Alexander Cowie in Cuthnoroche, Williame Scrowol in Farnachtie, James Adamesoun in Bracoche, Johnne Wilsoun in Mostoun, Johnne Thayne in Kilminnatie, James Robertsoun in Newsait, James Gordoun in Dawache, James Gordoun of Oigstoun, Johnne Logane in Tynget, James Lyle, parson of Rathvene, Hectour Thomesoun of Fluiris, Elspeth Leslie, "guidwyff of Overskeythe," Donald M^{c}Quene of Corribroche, Swein M^{c}Quene of Raik, M^{r} James Vaus, son of the late Johnne Vaus of Lochslyne, Johnne Winchester of Innerrine, Finla M^{c}Ay in Conadge, Thomas Gilyeane in Haltoun, Lauchlane M^{c}Intosche of Gask, Hectour Roy in Lyne, Archibald Dumbar of Pluscarden, Johnne Grant, son of Patrik M^{c}Jokie in Wester Tulloche, Johnne Bowye, his brother, there, Johne Grant in Balnachra-

Government prosecution of a number of persons for remaining obstinately at the horn.

gane, Johnne M^cFerquher M^cJames in Innerrie, James M^cWilliame V^cAllaster there, Donald Miller in Rothemurcus, Allaster Dow in Caucrage, Thomas M^cEachane in Linavilg (?), Donald M^cEachin there, Johnne Stewart of Kincardin, and David Stewart, his brother (*cf. ante*, p. 560).—Pursuers appearing personally, and defenders not appearing, the Lords order the said persons to be denounced rebels. Decreta Nov. 1618–Feb. 1620. Fol. 107, a.

Isabel Leslie or Dalgarno and her husband and daughter against John Leslie, John Gordon, and others, for violence and assault.

Complaint by Issobell Leslie, spouse of Williame Dalgarno in Fettirneir, the said William, for his interest, and Jonet Dalgarno, their daughter, as follows:—On the night of 8th July last Williame Leslie, son of the late Johnne Leslie in Trethnie, Johnne Gordoun, his father-in-law, and others, all armed, went to pursuers' house in Fettirneir, entered forcibly, attacked the said women, and felled them to the ground. They also took a cauldron "of hett playing worte" off the fire, and "violentie yet oute the same upoun the said Jonet Dalgarno, quhairwith thay brynte hir almost to the dead."—Pursuers appearing by Johnne Leslie, younger of Boquhen, and the said Johnne Gordoun appearing, but the said Williame Leslie not being present, the Lords assoilzie defenders, because pursuers have failed to prove the charge. Fol. 107, b. Fol. 108, a.

Alexander Barclay, merchant burgess of Edinburgh, and now in Maybole, against John Mure, Quentin Mure, and others, for assault.

Complaint by Alexander Barclay, merchant burgess of Edinburgh, now indweller in Mayboill, as follows:—Pursuer, "being now laitlie visite with some seiknes of body," had on 2nd instant, "for his bettir recreatioun and repoiseing him selff with the frie air," gone about in the fields at the Bogend, "waiklie as he micht, beareing upoun ane litle quhyte staulff in his hand." Johnne Mure, servitor to Dame Elizabeth M^cGill, Lady Culzean, and Quintene Mure, son of Johnne Mure in Wodland, both armed, met pursuer, by direction of the said Johnne Mure in Wodland, beside the "broome perk of Bogend," and cruelly assaulted him with swords, &c. He would have been slain had he not "fled" to the houses of Boigend. They pursued him and "beseidgeit" him, till he was relieved by some gentlemen. On Sunday, 4th instant, defenders and the following persons awaited his coming out from the "efter noones sermone" in the kirk of Maybole,—viz.: Johnne Mure of Woodland, Williame Campbell, brother of Campbell of Aireis, David Kennedy of Garrihorne, Waltir Mure, servitor of Thomas Kennedy of Ardmillane and "oy" of the said Johnne Mure of Woodland, Gilbert Baird, sometime called of Kilquhinzie, David Kennedy, servitor to Hew Kennedy of Ardmillane, younger, and others, to the number of fifty, all armed. They attacked him as soon as he appeared, wounded him in many parts, "strak him twyse violentlie af his feit," and would have murdered him, "wer not be the providence of God some weill effectit personis, who wer present at the dissolueing of the people frome the kirk and piteing that miserable estaite he wes into, come and covered him, and guardit him aboute, and careyed him as a deid man within the kirk, and closit the durris upoun him."—Pursuer appearing personally, and the said John Mure of Wodland, Johnne Mure, son of Johnne Mure in Culroy, David Kennedy of Garryhorne, Waltir Mure, and David Kennedy, servitor to Hew Kennedy of Ardmillane, being present, Fol. 108, b. Fol. 109, a.

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and the other defenders not appearing, the Lords find that the said Johnne Mure of Wodland, Quintene Mure, his son, Williame Campbell, and Gilbert Baird assaulted pursuer in the kirkyard on the Sunday foresaid and wounded him in the head, and order the said Johnne Mure of Wodland to pay 100 merks to pursuer and to remain in Edinburgh till the same is paid, and the others to enter themselves within the Tolbooth of Edinburgh, therein to remain till further order be taken with them. The Lords assoilzie Johnne Mure, son of Johnne Mure in Culroy, David Kennedy of Garriehorne, Waltir Mure, servitor to Thomas Kennedy of Ardmillan, and David Kennedy, servitor to Hew Kennedy of Ardmillan, from all charges, and the said Johnne Mure of Wodland and Quintene
Fol. 110, a. Mure from the first charge. The Lords further order the said Johnne Mure and the said Alexander Barclay to find lawsurety for each other under the pain of 1000 merks.

John Leslie, younger of Boquhan, and his tenant, James Leslie, against John Gordon, William Leslie, and others, for trespass and insolence with firearms.

Complaint by the King's Advocate, Johnne Leslie, younger of Boquhen, and James Leslie, his tenant at the Mill of Quhythauch, as follows:—On 8th and 10th June, Johnne Gordoun in Kerthine, and Williame Leslie, his "son-in-law," with accomplices, armed with hagbuts, pistollets, &c., waited for pursuers at the "faldis" built on his lands near his dwelling house, and thereafter rode up to the said house. In a swaggering manner they asked him to come forth if he dared, and threatened Orum, his spouse. Pursuer asked them to desist from carrying guns and
Fol. 110, b. committing such open insolence, but they regarded not, and still regard not, his desire; for they "continewalie sensyne with chairgit gunis in thair handis makis thair commoun way and passage by his yet and throw his parkis, haiuingis, and grenis." On 17th March last, the said Williame Leslie went with two witnesses by direction of the said Johnne Gordoun and Wood, now spouse to the said Johnne, and mother of the said Williame, to the gate of pursuer's place and walked up and down, with a charged hagbut, before the gate, on pretence of executing a summons thereat. Pursuer, happening to see him there, caused the hagbut to be taken from him, and dismissed him without any violence. On the 18th, the said Johnne and William went with charged hagbuts to pursuer's barns, and asked the servants "to go tell him that thay wer thair awaiting gif he wald come and tak ma hagbutis frome thame." They thereafter went to the moss near his grieve's house, and discharged their guns at the said house. On 19th March the said Johnne went on horseback with a charged hagbut to pursuer's gate and rode "alongis the grene foiranent the yet in a verie bragging maner," and bade his servants tell pursuer "that he wes thair, and in dispyte of him sould returne bak agane that way."
Fol. 111, a. —Pursuers appearing personally, and the said Johnne Gordoun appearing, but the said Williame Leslie not being present, the Lords find that the defenders went to the barns as libelled, and that the said Johnne asked Alexander Bruntfeild, servitor to the said laird, if his said master "wald come and tak ony ma gwnis that day." They order the said Johnne to be committed to the Tolbooth of Edinburgh, therein to remain at his own

expense till he satisfy the Treasurer for carrying forbidden weapons, and till further order be taken with him. They assoilzie him from the other charges, and order the said William Leslie to be denounced rebel. Decreta Nov. 1618–Feb. 1620. Fol. 111, b.

Government prosecution of a number of persons for carrying hagbuts and pistols.

Complaint by the Treasurer, the Treasurer-Depute, and the King's Advocate that the following persons have, during the last 5 or 6 years, contravened the acts and proclamations anent the carrying of hagbuts and pistollets and the shooting of wild fowl and deer,—viz.: James Weymeis, younger of Caśkibariane, Johnne Weymeis, his brother, Henry Hillok, his servant, David Andersone, piper in Kirkcaldie, James Young in Bruntylland, David Brown in Wester Weymes, David Miller, servitor to the laird of Bogie, Walter Bell in Eister Camrone Mylne, Walter Bell in Haichmylne, Duncan Cumrie, servitor to the laird of Balfour, Daniell Moreische, his servitor, James Kyninmonth of Loicheid, James Kyninmonth, his son, there, Johnne Hutsone in Wester Balclevie, James Hutsone there, James Balkanquall in Kirkcaldie, Harie Talpe in Kinghorne, Johnne Orrock in Craigbaith, Johnne Hamiltoun in Eist Quarter, and Hary Boltoun in Bruntylland.—Pursuers appearing, and the said James Weymes, David Miller, Walter Bell in Camrone, Walter Bell in Hauch Mylne, Duncane Combrie, Daniell Morische, Johnne Orrok, Henry Boltoun, and James Young also appearing, and remaining defenders not being present, the Lords find the following guilty and fine them in these sums:—James Weymes 20 merks; David Miller, Walter Bell in Hauch Mylne, Duncane Combrie, and James Young, each 10 merks. They are to remain in the burgh till they satisfy the Treasurer. The Lords assoilzie the other defenders who have appeared, and order the absentees to be denounced rebels. Fines. Fol. 58, a. Fol. 58, b. Fol. 59, a.

Commission to Campbell of Glenurchy for the trial of William Drummond for murder.

Commission under the Signet, signed by the Chancellor, Mar, Melros, and Sir Alexander Drummond, is given to Sir Duncane Campbell of Glenurquhie to try William Drummond, cadger in Glenogill, who murdered Donald Dow McGillegarive in Teray on the night of Sunday 28th March last, and was apprehended "with the bloody hand" by the said Sir Duncane. Commissions. Fol. 76, b.

Commission for the trial of Alexander Scot for theft.

Commission under the Signet, signed as above, is given to the provost and bailies of Peblis to try Alexander Scot, sometime servant to the laird of Blakbarony, now in the Tolbooth of Peblis for theft.

Hew Douglas.

"A missive to the Deputie of Irland in favouris of Hew Douglas."

In the matter of the freighting of foreign ships.

"The Lordis continewis the mater anent the frauchting of strangearis shippis to the nixt Counsaill day; and it wes declairit be James Home, in name of the skipparis, that thay wald send ane cõmmissioner to Courte to attend this bussines" (see *ante*, p. 518). Sederunts. Fol. 37, a.

[22nd April] 1619.[1]

Caution for John Mure of Wodland in 1000 merks, "the ane half Cautions. Fol. 3, b.

[1] The cases of Mr. Thomas Hogg, minister of Dysart, and Mr. Andrew Duncan, minister of Crail (*ante*, p. 563, footnote), were resumed this day in the adjourned meeting of the Court of High Commission held at Edinburgh, Archbishop Spotswood presiding, and his assessors being Archbishop Law of Glasgow, the Bishops of Brechin, Argyle, and Dunblane,

Cautions.

thairof to his Majestie, and the uther half to the pairtie grevit" [*part illegible*]. Signed.—ALEXANDER KENNEDY OF CRAGOCH, JHONE MURE OF WODLAND (see *ante*, p. 566). Caution for John Mure of Woodland.

This day appeared Stephane Patoun in Glaslo, and became cautioner for James Ranie, at present in the Tolbooth of Edinburgh, that he will appear before the Lords at "Allhallowmes" next to answer "tuitcheing his practizeing aganis his Majesteis persone, crowne, or estate, or the trew religioun presentlie professit," under the pain of £1000. Caution for James Ranie, charged with practising against the State and the true religion.

Fol. 4, a.

Caution for Gilbert . . to appear on 30th June next [*illegible*]. 23rd April 1619.

Appeared James Kennedy of Culyeane and became cautioner for Gilbert Baird of Kilheuche to enter his person within the Tolbooth of Edinburgh before 15th June next for trial on the charge preferred by Alexander Barclay in Mayboill (*ante*, p. 566). Caution for Gilbert Baird.

Caution for Alexander Barclay [of Mayboill ?]. (*Illegible.*) At the end, the following signatories:—Thomas M^cConnell and Alexander M^cIndair, servitors, James M^cIlvane, tailor in Mayboill, Johnne Eccles, tailor there, James Duncane, servitor to Andro Sinclair, stabler, burgess of Largis (?), Thomas Kennedy, Thomas Lindsay, Moreis M^c . . , . . Kennedy, Johnne Kennedy, elder and younger, Johnne Fergussoun, elder and younger, Quinteine Kennedy, notary public. 28th April 1619. Caution for Alexander Barclay.

Appeared James Hammiltoun, advocate, as procurator for Gilbert Ros and William . . , and gave in, for registration, an act of surety by them for Williame M^cAddame in Auld Cragoche, . . . in . . , and Andro Sinclair in Glennathie, each in £100, not to intercommune with Johnne Kennedy, and Johnne Toddie, his servitor, rebels at the instance of Josias Stewart of Bonytoun. Caution for William M^cAdam and Andrew Sinclair.

Fol. 5, b.

Joseph Miller, advocate, procurator for Quintene Shaw of Largis and others, gives in, for registration, an act of caution by them in favour of Johnne M^cClure in Hie . . , Johnne M^cClure in Donane, Donald M^cKie at Stratoun, Johnne Caldwell, merchant there, Andro M^cG . . in Lynfair, and Johnne Thomesoun, smith in Stratoun, not to intercommune with Johnne Kennedy, younger of Blairquhan and Johnne Toddie, rebels at the instance of the foresaid Josias Stewart. Signed at Dalmellingtoun on 26th April, before Quintene Schaw of Gremett, Thomas M^cClure in Lentow, Gilbert M^cAdame in Kirkbryde, Johnne Cuboiesoun in Grenmuk, and David Galloway in Dalmelingtoun. Caution for John Maclure and others.

Fol. 6, a.

Act of caution presented by the same for registration on behalf of Johnne Schaw of Keiris, cautioner for Quintene Schaw of Gremett, Quintene Shaw in Stratoun, George Shaw in Auchingarne, Johnne Shaw at Stratoun, and Thomas M^cClure in Lentow, not to inter- Caution for John Shaw and others.

the Principal of St Leonard's College, St Andrews, and two conforming parish ministers from Dundee and Burntisland. The result was that Mr. Hogg was suspended from the ministry and sentenced to banishment in Orkney, and Mr. Duncan similarly deprived and ordered to confine himself in Dundee. For details see Calderwood, vii. 370–378.

commune with . . . Kennedy, younger of Blairquhan and Johnne [Toddie]. Signed at Keiris on 26th April before David M^{c}D[ill] in Keiris, Johnne M^{c}Dill there, Allester M^{c}Tailyeour, servitor to Johnne Craufurd of Nether Skeldown, younger, Williame Bryane, notary, and Johnne M^{c}Dowall at Stratoun. Cautions 1619. Fol. 6, b.

Caution for John Chalmers.

Similar act of caution for Johnne Chalmeris. Signed at the place of Keir on 26th April, before Johnne Shaw of Keiris, George Shaw of Auchingairne James Stevisoun in Craigmowd and Johnne Thomsone, smith in Stratoun, by Quintene Shaw of Graimett, Johnne Chalmer, and Johnne M^{c}Gre . . , Gilbert M^{c}Adame. Williame Bryane, notary.

Cautions.

Appeared Johnne Scrogie, advocate, and presented for registration an act of caution by William Douglas of . . . for M^{r} George . . . , minister at . . . , not to molest Patrik Bruce of [Fingas]k, William Bruce, his son and heir, Frances Bruce, also his son, . . . at the mill of Lossiemouth, Robert, James, and David Bruce, his brothers, John Bruce, natural son of the said Patrik, and John Swan, servitor to the Lady Fingask, elder, their wives, families, servants and possessions. Signed at Edinburgh on 20th February. Fol. 7, a.

The *Minute Book of Processes* gives the following memoranda collectively for the month of April 1619:— Minute Book of Processes.

Rebellion: Grissell Merser against Issobell Crichtoun.

Proces: The Laird of Minto against magistratis of Glasgow for emitting of oppressive acts.

Precognition against the M^{c}Farlans and Buchanans.

Deforcment: Johne Gray against Johnne Andersone.

Rebellioun: Thesaurer against Gordon and otheris.

Ryott: Issobell Lesly against William Lesly.

Rebellion: Johne Satlingtoun against Andro Rorison.

Rebellion: Johne Dobie against Georg Martin.

Letteris for wearing pistollis: Johnne and James Leslies against Gordon.

Ryott: William Wobster against Keithes.

Ryott: Johne Muir against Alexander Barcley.

Suspension: Toune of Pasley against toune of Lanerik, who wer charged to receave weghtis and measuris.

Letteris: Advocate against importeris of tobbacco.

Oppression: Fleeming of Barrochen, and Wilsone, his tenent, against Alexander Patrik.

Ryott: Alexander Barcley against Johne Muir.

Rebellion: Kennedie of Ardmillan against Cunyngham of Polquharn.

Offeris maid be George Austean to the Lord Berridale.

[5th May] 1619. John Dick and John Mac-Adam.

Caution for Johnne Dick and Johnne M^{c}Adam by Joseph . . . . [*Illegible*]. Cautions. Fol. 7, b.

[8th May] 1619.

Act of caution anent [Maxuell Speddochis?]. *Illegible.* Fol. 9, a.

Acta Sept. 1617–July 1620. Fol. 170, a.

Sederunt—Chancellor; President; Wyntoun; Lotheane; Lord Gordoun; Maxuell; Lord Erskene; Master of Elphingstoun; Treasurer-Depute; Advocat; Bruntyland; Medop; Ridhouse; Innerteill; Currihill; Mr P. Rollok; Fostersaite; Conservator. Edinburgh, 12th May 1619.

Proclamation that the Council is to meet to-morrow and in future in Holyrood Palace.

"Forsamekle as the Lordis of Secreit Counsaill hes thoght meitt and expedient that the Counsall dayes to be keipit heirefter salbe haldin in the pallice of Halyrudhous, and sall begin, God willing, the morne this present twelft day of May instant: Thairfoir the saidis Lordis ordanis maisaris or officiaris of armes to pas to the mercat croce of Edinburgh and thair be oppin proclamatioun to mak publicatioun of the premises and to warne all pairteyis who hes actionis to persew or defend befoir the saidis Lordis that thay attend and awaitt this day befoir noone at the Counsalhous in the pallice of Halyrudhous, with intimatioun as effeiris."

Sir Lauchlan Mackintosh of Dunnachtan committed to ward in Edinburgh Castle for having left Edinburgh and gone to the King's Court in England in contempt of a previous order of the Council and of his Majesty's injunction.

"Forsamekle as, decreit and sentence being gevin and pronunceit be the Lordis of Secreit Counsaill at the instance of George, Lord Gordoun, againeis Sir Lauchlane McIntosche of Dunnauchtane, by the quhilk he wes commandit to have remaneit within the burgh of Edinburgh and not to have depairted nor past furth thairof quhill he haid satisfeit the said decreit, the said Sir Lauchlane notwithstanding, aganis the tennour of the said decreit and without warrand frome the saidis Lordis, and expres againeis his Majesteis injunctioun givin to him at his first cuming to his Majesteis court in England, hes depairtit furth of this kingdome and maid his addres to Court, heichlie to his Majesteis offence . . .

Fol. 170, b. . . . . .

utheris to do the lyk: Thairfoir the Lordis of Secreit Counsaill ordanis and commandis the said Sir Lauchlane, quha wes personallie present, to pas and enter his persone in waird within the Castle of Edinburgh, thairin to remaine upoun his awin expensis ay and quhill he be fred and relevit be the saidis Lordis."

Act requiring a certain number of representatives of the Skippers to attend an approaching Convention of the Burghs, in order, if possible, to an amicable agreement on the question of the freighting of foreign ships, hitherto in debate between the merchants and the skippers; with instructions that the business be reported on to

"The Lordis of Secreit Counsaill understanding that the Conventioun of the Burrowis now schortlie approtches and is to be haldin at Haddingtoun in the moneth of Julij nixt, and the saidis Lordis being verrie desyrous and cairfull that this mater anent the restraynt of forreyne schippis, quhilk is so instantlie urgeit be his Majestie, salbe broght to some goode conclusioun with the mutuall goodewill and consent of the merchantis and skipparis, quhome the mater cheiflie concernis: Thairfoir the saidis Lordis findis it verrie meite and expedient that the skipparis sall send fyve or sex of thair nomeber to the said Conventioun to confer with the Commissionaris of Burrowis anent the mater and upoun all sic objectionis, questionis, and doubtis as may be moved thairupoun, to the effect that with thair commoun consentis this bussynes may tak some end. And the saidis Lordis continewis this mater unto the xv day of Julij nixt; upoun the quhilk day ordanis the pairteyis to mak a perfyte reporte of thair proceidingis at the said Conventioun. Off the quhilk continewatioun Alexander Clerk, baillie, and the said David Aikinheid, for the Burrowis,

the Council on the 15th of July next.

and James Home for the Skipparis, ar wairnit *apud acta*. And the said David Aikinheid promeised to come provydit and resolueit that day to gif ane direct ansuer quhidder or not the Burrowis will send ane commissionar to Courtt for the matter abonewreittin" (*ante*, p. 568).

Acta Sept. 1617–July 1620.

Edinburgh, 12th May 1619.

[Sederunt as recorded above.]

Decreta Nov. 1618–Feb. 1620. Fol. 111, b.

Complaint by Alexander Kyd, merchant burgess of Dundee, that Janet Kyd, who has been under his charge and tutorship since her father's death, has been abducted by her mother and step-father and compelled to choose new curators likely to forward their designs upon her property.

Complaint by Jonet Kyd, daughter of the late Thomas Kyd, goldsmith, burgess of Dundie, and Alexander Kyd, elder, merchant burgess of the said burgh, her tutor, as follows :—The said Jonet has remained in the house of the said Alexander since the death of her father, and has been brought up "as becomes one of hir estaite." On 14th April last, the "young bairne and damosell," who is not past the age of twelve years, "being in the efter noone in the scole in Dundie exerciseing hir selff in virtew and learning according to hir accustomed maner since her entrie in company with hir said tutor-of-law," was "verie craftelie" trained by Thomas Ireland, her "father-in-law" (step-father ?), and Barbara Kyd, her mother, from the said school to their house in Dundie, and there kept "cloise and secrite within ane chalmer untill efter supper." During the night, Thomas Hereot in Clousmylne, and Andro Ireland, "baxter printeis" in Dundie, by direction of the said Thomas Ireland, took the said damsel on horseback, she sitting before the said Thomas Hereot, to the town of Ochterhouse, where her said "father-in-law's" brother and kin dwell. On the morning of the 15th, the said Thomas Ireland, Thomas Hereot, Andro Ireland, Thomas Thomesoun, notary in Bonytoun of Auchterhouse, David Ireland in Davidstoun, David Spankie, younger in Cutilbank, George Irland there, and others, all armed, and placed about the said girl as a guard, carried her in a very tumultuous way to the city of Brechin, and there before the commissary of Brechin compelled her to choose the said Thomas Hereot, who is brother-in-law to the said Thomas Ireland, David Ireland, his brother german, Thomas Thomesoun, "his neir allya," and James Lawtie, sheriff-depute of Banff, "nane of thame being in affinitye or consanguinitie with the said Jonnet, ather on hir father or mother syde," as her curators, and so make shipwreck of her means in favour of her said "father-in-law." She is still detained by the said persons.—The said Alexander Kid appearing, and the said Thomas Ireland, David Ireland, and Thomas Hereot appearing for themselves, and the said Thomas Ireland in name of the other defenders, and the said Jonnet being exhibited, the Lords condemn the action of defenders, discharge the act of curatory, and order the said Jonnet to remain with Mr James Strauchane, merchant burgess of Edinburgh, till she be freed by the Lords, "to the effect that in this meantyme scho may mak choise of hir curatoris according to the forme and ordoure of the cuntrey usit and observit in the lyke caise." She was then delivered to Alexander Douglas, macer, to be taken to the said Mr James Strauchan.

Fol. 112, a.

Fol. 112, b.

Fol. 113, a.

Mr. John Nicolson of

Complaint by Mr Johnne Nicolsoun of Lawswaid, and Robert Angus, his

Decreta Nov. 1618–Feb. 1620.

servant, as follows:—Thomas Crombye in has a grudge against pursuer, and has often tried to molest him. On the night of 4th instant he went armed by way of hamesuckin to the said Mr Johnne's place of Poltoun "quhar he wes efter supper walking within his awne cloise in his gowne in quiet and sober maner," and assaulted him with a drawn sword. Pursuer's said servant on coming to his rescue received a deadly wound in the head. On 7th instant, the said Thomas, accompanied by Johnne Douglas in , and Mark Abircrumby in , "who is rebell for divers insolenceis committit be him aganis the said Mr Johnne," all armed, hid in pursuer's "yaird nuke of Lawswaid," but, missing pursuer, came forth and committed a cruel assault upon his servant.—The said Mr Johnne Nicolsoun appearing for himself and his said servant, and defender not appearing, the Lords order defender to be denounced rebel.

Lasswade and his servant against Thomas Cromby for molestation and assault.

Fol. 113, b.

Fol. 114, a.

The Lords, for the "better observatioun of his Majesteis peace," order the foresaid Mr Johnne Nicolsoun to find caution,—the same to "haif no effect nor executioun aganis the said Mr Johnne in favouris of the said Thomas or ony utheris till the said Thomas find the lyke cautioun." The Lords therefore order the said Thomas to find caution in 500 merks that he keep the peace.

Order to the said Mr. John Nicolson and Thomas Cromby to find caution.

Fol. 114, b.

Complaint by Margaret Wicht, "under the hill within the parrochin of Dalmanitie," as follows:—On Sunday last, between sermons, she was attacked in the kirkyard of Dalmanitie by Thomas Andirsoun in Ovirlecht. He struck her "with his fute upon the womb, and then with a grite trie he cruellie and unmercifullie invaidit and persewit hir of hir lyff," till she was rescued by the parishioners coming from the kirk. On October last, Thomas Slowane in Chalmerstoun met her on the highway "upoun the landis of Kilknow" and rode his horse "in over and out over upoun hir a long tyme," till he thought her to be dead. When she attempted to rise, he pressed to kill her with his sword, but was prevented by some people who were present.—Pursuer appearing, and defender not appearing, the Lords order defender to be declared rebel.

Margaret Wight against Thomas Anderson and Thomas Slowan for assault.

Fol. 115, a.

Complaint by the Treasurer, Treasurer-Depute, and King's Advocate that the following persons remain at the horn (*cf. ante*, pp. 560, 565):—Williame M^{c}Intosche of Boirluin, Johnne M^{c}Coneill M^{c}Eane in Cullodin, William M^{c}Gillendreis in Hurlrust, Hucheoun Roy in Culloden, Donald M^{c}Homas M^{c}Ean Roy in Breachlie, Finla M^{c}Homas, his brother, Lauchlane M^{c}Conoquhie V^{c}Quein, Johnne Dow M^{c}Robert in Bunnachtein, Donald Miller in Cullodin, Donald M^{c}Phersone in Drumdelechuk, Alexander M^{c}Intosche of Holme, Agnes M^{c}Kanzie, Lady Dunachtein, Alexander Ros in Leanoche, Hectour Ferquhersoun in Kilterletie, Alexander M^{c}Intosche in Largis, Andro M^{c}Killichane in Ardoseir, Thomas Beig M^{c}Kay M^{c}Ean Roy, Duncane M^{c}Intailyeour, Thomas M^{c}Intailyeour in Culdivall, Williame M^{c}Williame M^{c}Conill in Breachlie, Johnne Dow M^{c}Coneill M^{c}Rorie, Donald M^{c}Gillichallum, Alexander Keill Fraser, Duncane M^{c}Intosche in Abirardour, Finla M^{c}Coy in Connag, Andro M^{c}Killigane in Ardoseir, Lauchlane M^{c}Beane in Cragie, Ferquhair

Government prosecution of a number of persons for remaining contumaciously at the horn.

M^cFinla M^cFerquhair in Daltoniche, James M^cIntillighe Duncane Fraser in Mullochie, Rorie M^cKanzie, portioner of Sligo, Hucheoun Ros in Channorie, Robert Grant there, David Carnegie there, Alexander Nicolsoun there, Coline Dumbar there, Duncane Gresoun there, Martyne Davidsoun in Rosmerkye, Johne Grant there, Johnne Gresone there, Philip Neisbitt, merchant in Banff, Thomas Wallace there, James Ransoun, Williame Smyth in Ryland, George Howine in Dryhill, Gilbert Man in Downie, Alexander Murray, sometime of Cowbardy, Duncane M^cJames M^cPhatrik in Glenbroun, Johnne Ros, sometime of Ballivet, David M^cWilliame in Auchmoir, Thomas Stewart in Eskiebowy, Allaster M^cWilliam, sometime in Neltie, now in Delmanoche, Thomas Gordoun in Newie, Patrik Roy in Glenconigles, Robert Miller in Refreis, now in Achadregine, Ferquhair Moir M^cEane Moir in Mynmoir, Ferquhair M^cEane Riach in Tommachlagan, Johnne Dow M^cEane Riache there, Patrik Gordoun in Letauch, Allaster Grant in Innerrowie, Johnne Rioche M^cAgie in Achurrachen, Allan M^cWilliam Beg in Dellevorar, James M^cAllane there, Robert Arache in Achriachen, James Dwein M^cLauchlane, Finla M^cGrymmen in Fettirlettir, Donald M^cAllaster in Delnabroght, Johnne Dow M^cConeill in Nether Innerchebet, James M^cAfilliche in Gerliche, Callum Roy in Mornische, Johnne M^cGowne merchant in Tillibrogett, James M^cBrebair Glas in Glencoinges, Allaster Baine in Mynmoir, William M^cInnes in Bellibeg, now in Gerliche, William M^cAllaster Reoche in Innerrawin, William M^cWilliam Moir in Achnahyle, Williame M^cEane in Innerlochie, Johnne M^cThomas V^cAgie in Innerrowrie, Allaster M^cCondochy Moir there, Johnne Bayne M^cCoill V^cAgie there, Williame M^cGibboun at Kirkmichaell, Johnne Reoch in Achlachine, Allaster Glaschen there, Patrik Stewart in Clochmachreich, Johnne Grant, brother of Patrik Grant of Ballindalloche, Duncane M^cJames M^cPhatrik in Glenbroun, James M^cAllen in Dellivorie, William Gordoun of Toucheis, Johnne Gordoun of Lichestoun, Adam Gordoun, son of the Marques of Huntlie, Patrik Cheyne in Robertsoun, Jonet Abircromby and Beatrix, widows, Johnne Grant of Rothemurchus, Gregor Grant in Gartinmoir, Robert Stewart in Ballachastell, James M^cAllaster Beig in Innerrie, Patrik Smyth in Keandpoill, Donald M^cFerquhair in Tullichgrein, Allaster M^cFarquher V^cJames there, Thomas M^cAy V^cEanroy in Pettie in Balnachovaltie, Williame Baine in Delnaveird, Johnne Moir M^cAgowne in Inrwglas, Thomas M^cAllaster in Pitmillen, Johne M^cNeill in Undrait, Allaster Dow in Keandcraig, Soirlie, his brother, Allaster M^cConill Dwy Comas in Pittachein, and Johnne Cuming of Ernesyde.—Pursuers appearing, and the said Donald M^cGillichallum appearing by William Hay, the said Gregour Grant in Gartmoir by James Gibsoun, the said Johnne Grant, brother of the laird of Ballindallache, and James M^cAllane in Dalivorar by Johnne Grant, apparent of Cardaillis, and the said Johnne Gordoun of Lichestoun by William Mortymer, burgess of Edinburgh, and the other defenders not appearing, the Lords order the said Donald M^cGillichallum, Johnne Grant, and James M^cAllane to compone with

Decreta Nov. 1618-Feb. 1620.

Fol. 115, b.

Fol. 116, a.

Decreta Nov. 1618–Feb. 1620. the Treasurer for their escheats,—the said Donald having been put to the horn in November 1612 for not finding lawsurety to Johnne and Alexander M^cIntosche (the relaxation produced by the said Williame Hay
Fol. 116, b. not being passed till May 1613), and the said Johnne and James having been put to the horn in April 1616, at the instance of Johnne Drumbrek of Orten, for not paying £240 of principal and £40 of expenses (the relaxation produced being dated April 1619, "sua that thay wer yeir and day at the horne"). The Lords excuse the absence of the said John Gordoun of Litchestoun on account of a testimonial presented by the said William Mortymer narrating his "grite aidge, infirmitie, and inhabilitie to travill," and order the other absentee defenders to be denounced rebels.

Robert Menteith of Eglesshaw and his wife against William, John, and James Colvill for continued oppression, violence, and trespass.

Complaint by the King's Advocate, Katherine Neisbitt, spouse of Robert Menteith of Eglischaw, and the said Robert, for his interest, as follows:—William Colvill of Midhous, Johnne and James, his brothers (*ante*, p. 544), "still insisting to molest and oppres," violently ejected pursuer and his servants from the lands of Eglischaw in December last, and took away most of his corn and cattle. Pursuer having gone to Edinburgh in November last to seek justice, defenders, fearing the issue, removed from his lands, and left some corn on the fields exposed to the
Fol. 117, a. weather and the bestial of the said isle. Katherine Neisbitt, pursuer's wife, hearing of this, went in December to the isle "for taking ordoure with the labouring of the ground," and was accompanied by two serving men and a few women. They were content to remain in a barn. Thereupon defenders, with Thomas Angusoun and Johnne Jukill, all armed, went by night to the island, and hid themselves in the manor place thereof. In the morning they caused Johnne Jukill, servitor to the said Williame Coluill, to go to the barn where pursuer's spouse lay, and to entice James and Mathew Murray, "who wer tua strangearis thair for the tyme," to go with him to the manor place "to drink with him." They went, were made prisoners, and threatened "with stokis and uther tortouris." Defenders then armed themselves with "tua handit swerdis, jakis, crappaslattis, secreitis, peit staulfis, halbertis, and utheris wapponis," and proceeded on Christmas eve to the barn, where his said spouse, her servants, and Johnne Stewart, his nephew, were abed. They burst open the doors, thrust the said persons out, wounded Grissell Stewart, his sister's daughter, in the hand, disarmed the said Johnne Stewart, and
Fol. 117, b. detained all for some time. Defenders "efter a verie insolent maner most excessiuelie dranke, eat, and waisted" all the provision in the said barn. They commanded the inhabitants not to transport his wife and her company out of the island; and the latter were compelled to sleep "undir dykis."—Pursuers appearing personally, and the said William, Johne, and James Coluill appearing, but the said Johnne Jukill and Thomas Angusoun not being present, the Lords assoilzie defenders, because pursuers have failed to prove the charges.

Same pursuers against the same defenders for oppression.

Fol. 118, a. Complaint by the foresaid pursuers in terms as given *ante*, p. 544.—
Fol. 121, a. Pursuers and defenders appearing, the Lords assoilzie defenders from the

charges of taking away the material for the kirk, assaulting of Johnne Quoy, Rowy Alexander, Johnne Yorsoun, and Robert Murray, hounding and shooting the dog, disarming of pursuer's tenants, assaulting Alexander, son of Edward Alexander, and taking his plough, &c., riding the horses to death, assaulting Robert Yorsoun on the second occasion, killing cattle, causing pursuer's tenants to serve them as galley slaves, because pursuers have failed to prove these charges; and they remit the remaining points to the Lords of Council and Session. Decreta Nov. 1618–Feb. 1620.

Andrew Burt, notary in Dunkeld, and William Burt, messenger, against James Marshall, burgess of Perth, for deforcement and violence.

Complaint by Andro Burte, notary, citizen in Dunkeld, and Williame Burte, messenger there, as follows:—On last the said Williame executed letters of caption, at the instance of the said Andro, against James Marschell, merchant burgess of Perth, and conveyed him to the house of the late Thomas Marschell in Dunkeld, his brother. Defender had sent for William Fyff, citizen in Dunkeld, William Fyff, his son, there, Robert Merschell there, William Merschell there, and Johnne Reid of Pitnacrie, who, on pursuer's arrival at the said house, put hands on him, thrust him out, and permitted defender to escape. On 5th February 1617, defender, hearing that the said Andro intended going from Perth to Edinburgh, waited for him at the Southe Inche of St Johnnstoun from 4 a.m. to 7 a.m., and thereafter proceeded to pursuer's lodging in the burgh of Perth, where he was at breakfast. Defender would have slain him but for the intervention of some well-disposed persons. Defender followed him as he went for his horse in the South Inche, "of set purpois to haif bereft him of his lyff."—Pursuers appearing personally, and defender appearing, and denying on oath, the Lords assoilzie defender. Fol. 121, b.

Counter-charge of assault by the said James Marshall against the said Andrew and William Burt.

Complaint by the said James Marschell as follows:—On July 1615, the said Andro Burt met pursuer on the High Street of Edinburgh, and "appeallit him to the single combatt." Because pursuer refused, not for "dredoure" of the said Andro, but for reverence of his Majesty's law, defender, accompanied by his said brother, both being armed, waited for pursuer on 8th November 1617 at "the boit of Dunkeld," and assaulted him with swords.—Both parties appearing, the Lords assoilzie defenders. Fol. 122, a.

12th May 1619.[1] William Colvill of Midhouse against Robert Menteith of Eagleshaw for violence and illegal convocation in arms.

Complaint by the King's Advocate and William Coluill of Midhous as follows:—Robert Menteith, "sometyme of Egilschaw," having obtained a decreet of removal from the lands of Egilschaw against pursuer and Kathrene Douglas, his mother, pursuer "meanit him selff" to the Council, and, for many good reasons, obtained a suspension. This suspension being called and the case discussed in July last, defender saw that it would go hard with him, and resolved to obtain possession of the said lands by force. In August or September last, defender went from Edinburgh to Kirkwall in Orknay and there assembled Hary and Patrik Stewart, sons of James Stewart of Gramsay, Frances Mwdy of Brecknes, Edward Rowie, Henry, Johnne, James, and William Alexander, Andro Fines. Fol. 59, a. Fol. 59, b.

[1] The entry in the *Book of Fines* is dated "*Duodecimo Martij* 1619"—*Martij* being probably a mistake for *Maij*. Two connected cases appear under 12th *May* in the *Decreta*, and the present entry stands in the *Book of Fines* between *April* and *July* 1619.

Fines. Fol. 59, b.

Craigie, Thomas Irwing, all indwellers in the island of Rowsay, Gilbert Chalmer, Johnne Monteith, Andro Murray, Robert Skedwik, Thomas Mayne, merchant in Kirkwall, Patrik Kincaid, son of David Kincaid of Yeinst, Morgane Monyland in Vyir, Andro Sinclair, servitor to defender, Thomas Kennedie, and others, to the number of 80, and received their oath of assistance. On 3rd September last, the said Frances Mwdy "in a verrie swaggering and unseamelie maner come to the hie streit of Kirkwall, drew his sword thairupoun, and in presence of the haill people with mony horribill aith avowit that upoun the morne befoir the brek of day he sould hang the said Williame Coluill at his awin house end." On September, the said persons, armed with muskets, hagbuts, &c., embarked at Kirkwall and landed on the 4th at Gairsay, where they remained for two nights or thereby. They then went to the isle of Rowsay, "quhilk mercheis with the saidis landis of Egilschaw." Defender, "haveing ranked thame in battell array," marched forward with them "as thair conductar and leader" in "weirlyk ordour." Johnne and Thomas Buchannane and Hew Halcro of that ilk, happening to meet them, endeavoured to dissuade defender from his course, but he refused "unles the said William wald
Fol. 60, a. then instantlie submitt his ryght and all uther questionis betuix thame." The said Johnne, Thomas, and Hew took this message to pursuer, who "for feir of his lyff" was constrained to surrender.—Pursuers and the said Robert Menteith appearing, the Lords find that defender has carried forbidden weapons, and impose a fine of £100. They further order pursuer and defender to find caution in £1000 each to keep the peace, and in 500 merks each not to carry hagbuts, &c., and Johnne and James Colvil, pursuer's brothers, to find caution in 500 merks each to keep the peace.

Commissions. Fol. 77, b.

Commission under the Signet, signed by the Chancellor, Wyntoun, Louthiane, and Melros, is given to Mr Samuell Home, "stewart depute of the stewartrie of the Erldome of Marche," to try Margaret Ranken in Birgin, who was apprehended on the charge of having stolen on April last from William Jaksoun in Birgein the sum of £50 from a chest in his house, and "tua bedding of claithis," together with some pewter vessels. Commission for the trial of Margaret Rankin for theft.

Commission under the Signet, signed as above, is given to Sir James Dundas of Arnistoun to apprehend Johnne Bellenden, servant of Pringle of Cokle Ferrie, and Andro Mitchelsoun in Midletoun, declared by the late Bellenden, brother of the said Johnne, who was executed for theft at Jedburgh, to be common thieves and his accomplices. Commission had been given to the Captain of the Guard, but the said persons had escaped. Commission for the apprehension of John Bellenden and Andrew Mitchelson, declared thieves.

Cautions. Fol. 8, a.

Caution by . . . for [Thomas Grant] of Cardaillis, and [Johnne, his son and heir], not to molest Hew Falconner of Innerlochtie, Hew Falconner, his son, and their tenants and servants, under the pain of 3000 merks. Caution not to molest Hew Falconer and his son.

Caution by Thomas Grant of Cardaillis, and Johnne, his son and heir, for Robert Beg McWilliam and others, under the pain of 500 merks. Caution for Robert Beg MacWilliam.

Caution for Mr. John Nicolson.

Caution for M$_r$ Johnne Nicolsoun of Laswaid (*ante*, p. 572). Cautions. Fol. 9, b.

Caution for Hew Falconer and his son.

Caution by Sir Alexander Falconner of Halkertoun for Hew Falconner of Innerlochtie, and by the said Hew for his son, Hew Falconner, not to molest Thomas Grant of Cardaillis, Johnne Grant, his son and heir, and their tenants, under the pain of 3000 merks and 1000 merks respectively.

Caution.

Similar act under the pain of respectively not to molest Robert . . . , and . . . Stewart, brother of the baron of Kilmachlie.

13th May 1619.[1] Caution by Lord Livingston for John Gordon, not to molest John Leslie and others.

This day appeared Alexander, Lord Levingstoun, and became cautioner for Johne Gordoun in Kethay not to molest Johne Leslie, fiar of Boquhen, James Leslie, his tenant at the mill of Quhittache, William Dalgarno in Fetterneir, Issobell Leslie, his spouse, their children and kin, under the pain of 1000 merks, half payable to his Majesty and half to the party; and also for the said Johne not to carry hagbuts, &c., under the pain of 300 merks. George, Lord Gordoun, being present, undertook to relieve the said cautioner. Signed—A. Levingstoun, G. Gordoun. Fol. 8, a.

This day appears Joseph Miller, advocate, procurator for Johnne Mwre in Wodland, and William Mure, tailor in Mayboill, and registers an act of caution by the former for the latter, in 400 merks, not to molest Alexander Barclay, merchant burgess of Edinburgh, or his family and servants. Fol. 10, b.

24th May 1619. Caution for David Kennedy, not to molest Alexander Barclay.

Act of caution by Hew Kennedie, younger of Ardmillan, for David Kennedie, his servant, not to molest Alexander Barclay, merchant in Mayboill, his family, and servants, under the pain of . Signed at Monkwod on 21st May, before Johnne Deucer (?), Neill Galloway, Johnne Tailyeour, witnesses. Presented for registration by Gilbert Neilsone, advocate. Fol. 11, b.

Caution for Hew Kennedy, younger, to the same effect.

Act of caution to the same effect by Hew Crawford of Auchinwey for Hew Kennedie, younger of Ardmillane. Signed at Monkwod on 21st May by Thomas Kennedy, elder of Ardmillane, George Angus of Brighouse (writer of the deed), Williame Angus, his son and heir, and Thomas M^{c}Elivrick. Presented as above.

Registration by Johnne Belscheis, advocate, of an act of caution by Williame M^{c}Adam of for M^r Johnne M^{c}Quhorne, minister at Stratoun, not to molest M^r Johnne Kennedie, younger of Blairquhan, and Johnne Toddie, his servitor. Signed at Stratoun on 20th May before Robert Mwre of Cloncaird, Gilbert Ros, Johnne Fergussoun of Dalduff, and David M^c . . tor in Pottleward.

26th May 1619. Caution for David and Andrew Malloch.

Act of caution by Johnne Drummond of Over Tullich[vaucher ?] for David and Andro Malloche, brothers of Johnne Malloche of Cardneyis, not to molest Alexander Bruce of Cultymalindie, Patrik, Master of Oliphant, and William Oliphant of Gask, their families and servants, and to purchase their escheat from the Treasurer before the last day of June. Signed at B . . on 21st May by Drummond of Mylnenab, Johne Fol. 13, a.

[1] This was the day of the funeral at Westminster of the late Queen Ann, whose body had been lying in state at Denmark House since the preceding March.

Cautions.

Malloche, burgess of the Cannogaite, Mr Johnne Malloche of Cardneyis, Finla in Abercarne, Duncane Campbell, son of Archibald Campbell of Monzie, and . . . , witnesses. Presented for registration this day by Joseph Miller, advocate.

Fol. 14, a.

Act of caution by Hew Kennedy, younger of Ardmillane, for Thomas Kennedy of Ardmillane, not to molest Alexander Barclay of Mayboill and his friends under the pain of £1000. Signed at . . on 24th May, before Johnne McMillen, notary, Hew Craufurd of Auchinvey, and Nicoll Mirrie, servitor to Kennedy of Ardmillane, witnesses. Presented by Gilbert Neilsoun, advocate. 28th May 1619. Caution for Thomas Kennedy of Ardmillan, not to molest Alexander Barclay.

This day appeared Johnne , and became cautioner for Walter Mure, his "oy," not to molest Alexander Barclay, now in Mayboill, and his kin, under the pain of [300] merks. Signed JHONE . . 31st May 1619 [1] Caution to the same effect for Walter Mure.

Acta Sept. 1617-July 1620. Fol. 170, b.

Sederunt—Chancellor; Treasurer; Glasgow; Bugcleuch; Melros; Lauderdaill; Lord Erskene; Carnegy; Master of Elphingstoun; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Ridhous; Medop; Innerteill; Curriehill; Sir Andro Ker; Mr Peter Rollok; Conservator. Halyrudhous, 1st June 1619.

Fol. 171, a.

"Forsameikle as in the Generall Assemblie of the Kirk haldin at the burgh of Perth in the moneth of August last thair wes [sindrie] godlie and goode actis and conclusionis maid and sett downe with advyce and deliberatioun tending to the glory of God and we[ill of the] Kirk; quhilkis actis being ratifeit and approvin be the Kingis [Majestie] with advyce of the Lordis of his Previe Counsall, and his Ma[jestie] haveing by proclamatioun commandit all his Majesteis subjectis to gif reverent and dewitifull obedience thairunto, sieing his Majestie is sufficientlie perswadit that thay tend to Godis glorie, quhose honnour in these thingis his Majestie cheiflie seikis, as in the act and proclamatioun maid to this effect, and dewlie publist at all plaiceis neidfull, quhairthrow nane with reassoun can pretend ignorance thairof, at lenth is contenit: Notwithstanding his Majestie is informed that in divers congregationis of this kingdome thair hes bene litill obedience gevin to the saidis actis, insofer as at the tymes of the celebratioun of the communioun thair this present yeir certane undewtifull persones, oute of thair idill consaitt and oppinionis, Proclamation requiring universal obedience to the acts of the late General Assembly at Perth, and condemning those who have absented themselves from their own parish churches rather than communicate kneeling, and also those who have attacked in pamphlets or otherwise the ministers who have faithfully

[1] Through the whole month of May the conflict between the people of Edinburgh and the ministers of the town on the subject of kneeling at the communion, and of the Five Articles of Perth generally, had been still going on. Things had come to such a pass that in the Little Kirk, where Mr. William Struthers officiated, there was no afternoon service at all, Calderwood tells us, on the last three Sundays of the month. The reason given by Mr. Struthers's colleague, Mr. Patrick Galloway, is reported by Calderwood (vii. 379) in these words: "We are so lightlied and disdaned, revyled and spoken of, that we can doe nothing; not only by the commoner sort, but also by those that govern and rule others. Yea, and in this place, in our face, we have been upbraidit and called apostats." Still the most galling thorn in the side of the ministers, and foremost man among the Presbyterian malcontents, was John Mean (*ante*, p. 562, footnote).

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accepted the Five Perth Articles.

not only left their awne kirkis and past to utheris kirkis, refuseing to communicatt according to the comelie and reverent ordour prescryved be the said Assemblie, bot with that thir same persones, or some utheris, moved with the spirite of seditioun, hes oute of the malice of thair hairtis wreittin and dispersit amongis his Majesteis subjectis certaine infamous libellis, bookis, and pamphlettis alswele aganis thair pastouris for thair obedience gevin to God and his Majestie [as] directlie impugning the conclusionis of the said Assemblie, doing thairby quhat in thame lyis to imprent in the hairtis of the simple and ignorant multitude some sinister oppinioun of the sinceritie of his Majesteis dispositioun in materis of religioun, althoght his Majesteis princelie and tendir cair and regaird to the propagatioun and advancement of the trew religioun be more nor manifest, and quhairof no honest hairted subject will mak questioun or doubt, howeuir factious, seditious and bussye bodyes, oute of the folie of their awne imaginationis, takis hold of euery occasioun to misconstrue his Majesteis proceidingis. And, quhairas his Majestie is constantlie resolueit to haue all these articles concludit be the Kirk in the said Assemblie, and thairefter ratifeit be his Majestie, to be reverentlie ressaveit and obeyit be all his Majesteis subjectis, sieing they tend to Godis glorie, as said is, and the authoris, wreitteris, and dispersaris of the saidis infamous bookis, libellis, and pamphlettis to be seveirlie punist according to his Majesteis lawis, sieing his Majestie can not bot hald thame enemeis to God and his Majestie quho will schow thame selffis opposite in ony sorte to this his Majesteis resolutioun; and to the effect his Majesteis said resolutioun may be notour and knowne to all his Majesteis subjectis: Thairfoir ordanis letteris to be direct chargeing officiaris of armeis to pas to the mercat croce of Edinburgh and utheris placeis neidfull, and thair be oppin proclamatioun to mak publicatioun of the premisis, quhairthrow nane pretend ignorance of the same. And to command and charge all and sindrie his Majesteis leigis and subjectis, of quhat estate, qualitie, or degrie soevir they be, that they and everyane of thame gif all dew and reverent obedience to the actis and conclusionis of the said Assemblie and onnawayes schew thame selffis opposite thairunto in ony sorte, and that thay nor nane of thame presome nor tak upoun hand under quhatsumevir cullour or pretext to wreitt, dispers, or send abroad ony infamous libellis, bookis, pamphlettis, ather aganis the conclusionis taine be the Kirk in the said Assemblie or aganis the ministeris who dewtifullie obeyis the same, nor yit that they interteyne and countenance the saidis libellis, bookis, and pamphlettis by reiding, keiping, or communicatting of the same to utheris, but that they forbear suche unlawfull and seditious practising and conforme thame selffis to the ordinanceis of the Kirk, carying and behaveing thame selffis as becometh Christianis and peceable subjectis frome hencefurth; certifieing thame that salbe tryed to do in the contrair that not only sall they be repute and haldin as enemeis to God and his Majestie, bot they salbe callit and convenit befoir his Majesteis Justice, and, according to his Majesteis lawis, salbe seveirlie punist without favour or mercye.

Acta Sept. 1617–July 1620.

Fol. 171, b.

Acta Sept. 1617–July 1620.

Followis his Majesteis missive letter for warrand of the act abonewrittin:—Rycht trustie and richt weilbeloveit cousen and counsallour and right trustie and weilbeloved counsallouris, we greite yow weill.—As we cannot bot tak notice of the dewtifull obedience gevin be the most of yow to our directioun for your reverent communicatting at the feast of Easter last and gif yow our hairtie thankis for the same, so, haueing understood the disordouris and insolent behaviour of a nomeber of people of Edinburgh, alsweill in comeing frome thair owne pastor to uther churches to communicat as in the wreitting and spreading of infamous libellis against thame only for thair dew obedience gevin by thame to God and us, we have [thocht] goode to recommend unto yow the tryall and punischment of those offendaris, according as ye salbe enformed of the particularis and the same heirefter notifeit unto yow, and in the meane tyme by proclamatioun to publische our firme and constant resolutioun to have those articleis concludit by the Churche and ratifeid by us receaved and reverentlie obeyit by all our subjectis, [sieing that thay] tende, as we ar sufficientlie perswadit, unto the glory [of God], whose honnour in these thingis we cheiflie seik; and, as we cannot [bot hald] thame enemeis to God and us who schew thame selffis opposit and . . to this our resolutioun, so quhosoeuir salbe tryed to wreitt and [send abroad] bookis, libellis, and pamphlettis, eyther against the conclusiounis [tane] be the Churche or against the ministeris quho dewtifullie have [obeyit?] the same, or, being wreittin and dispersit, shall intertyne and [countenance] thame by keiping, reiding, and communicatting the same . . . shalbe called befoir our Justice, and according to our lawis [be tryed without] mercie or favour to be schewd to thame. And this our w . . . . blische, chargeing and commanding all our subjectis of wha[tsoevir rank] or degrie to absteine and forbeare suche unlawfull and . . . ing, and to conforme thame selffis to the ordinanceis of the [Churche, behave]ing them selffis from henceforth as becometh Christianis [and peceable] subjectis. Which assureing our selff ye will cairfullie do, we bid yow fairweill. Gevin at our mannour of Grenewich, the . . . 1619."[1]

"Forsameikle as, Johnne Redeik of Dalbettie being denunceit rebell and putt to the horne, be vertew of letteris raisit at the instance of Johnne

Proclamation forbidding reset of, or

[1] The Proclamation, Calderwood informs us (vii. 380-381), was duly made on the following day, 2nd June, at the Cross of Edinburgh. Archbishop Spotswood was then at Court, having gone thither to report to his Majesty the vehement opposition in Edinburgh, and in Scotland generally, to the Articles of the Perth Assembly, and to confer with his Majesty on the subject. Hence the present strong intervention by his Majesty himself; besides which there had come down a command from the King to Archbishop Law of Glasgow to institute proceedings against Mr. Henry Blyth, minister of the Canongate, and Mr. David Forester, minister of North Leith, two of the ministers in the vicinity of Edinburgh to whose preachings the Edinburgh people resorted because they adhered to the old ritual. The instructions were to depose these ministers and send Mr. Blyth into confinement in Inverness. Archbishop Law, not liking to meddle with ministers in Archbishop Spotswood's province during Spotswood's absence, managed to have the matter delayed meanwhile.

intercommunion with, John Reddick of Dalbeattie, who has contemptuously broken his promises made to the Council on their indulgence to him after he had been put to the horn for debt to John Reddick of Chapelton.

Redick of Chappiltoun, for not payment making to him of certaine grite sowmes of money specifeit and contenit in the saidis letteris, and upoun the said horneing he being apprehendit be some of the Gentilmen of the Guard quha wer directit be the Lordis of Secreit Counsaill to mak inquirie and searche for him, and he being in the guardis handis, he abused and cousigned the Gentilmen of the Gaird and eschaipit from thame, and sensyne, he being exhibite befoir the saidis Lordis upoun a protectioun grantit to him not to be arreisted nor wairdit for this caus, he maid mony promeisis to have gevin satisfactioun unto his poore kinsman and freind, quhairupoun he being admittit and libertie grantit to him to go hame, and it being expectit that he durst not presome to have violat his promeis so solemplie maid in presence of the saidis Lordis: notwithstanding it is of treuth, without respect of his credite or dewytie, he hes failyeit in performance of all and euery poynt of that quhilk wes promeisit be him, and sene his hame ganging he hantis, frequentis, and repairis publictlie and avowedlie in all pairtis of the countrey, and is ressett, huirdit, and intertenyit among his familiaris, freindis, and acquentance as gif he wer ane frie and lawfull subject; quhairby he is encurageit to contenew in his rebellioun and disobedience, and his poore creditour is frustratt and disapoyntit of his just debt and of the dew executioun of his Majesteis lawis, heichlie to his Majesteis offence and contempt and misregaird of law and justice: Thairfoir the Lordis of Secreit Counsall ordanis letteris to be direct to command, charge, and inhibite all and sindrie our Soverane Lordis leigeis and subjectis be oppin proclamatioun at the mercat croceis of Kirkcudbrycht, Wigtoun, Drumfreis, and utheris plaiceis neidfull, that nane of thame presome nor tak upoun hand to ressett, supplie, nor intercommone with the said Johnne Redick of Dalbettie, furneis him meite, drink, house, nor harbory, nor have intelligence with him be word nor wreitt, under quhatsomeuir cullour or pretext, dureing the tyme of his rebellioun; certifeing thame that failyeis or dois in the contrair that they salbe maid comptabill and ansuerabill to the said Johnne Redick of Chappiltoun of the haill sowmes of money, principall and expensis, quhairunto the said Johnne Redick of Dalbettie standis obleist unto him." Acta Sept. 1617–July 1620. Fol. 172, a.

Edinburgh, 1st June 1619.

[Sederunt as recorded above.]

Decreta Nov. 1618–Feb. 1620. Fol. 122, b.

Caption against Hector Turnbull for non-appearance to the charge of having slain Gavin Elliot.

Complaint by Helene Ellote, relict of Gawin, Samuell and Elizabeth Ellot, children, and the remaining kin, of the late Gawin Ellote in Hassindane Burne, that Hectoure Turnebill in Clarielaw remains unrelaxed from a horning of 28th July last for not having found cautioun to appear before the Justice to answer the charge of having slain the said Gawin.—Pursuers appearing by Gilbert Ellote, son and heir of Gilbert Ellote of Stobbis, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, take his houses, and inventory his goods for the King's use. Fol. 123, a.

Lord Lovat against Robert

Complaint by Symone, Lord Fraser of Lovatt, as follows:—Pursuer is

Decreta Nov. 1618-Feb. 1620.

heritable possessor of the lands and barony of Foullis, "with the castell, toure, and fortalice thairof." Of late Robert Monro, sometime of Foullis, ungrateful for many favours granted by pursuer, has endeavoured to molest him in his said possession. On 30th March last, he went with a number of armed accomplices, "insolent personis all of his awne humour and dispositioun," to the said castle, entered by force, broke up all the gates with "foirhammeris and gavelokis and utheris instrumentis fitt for brasheing and breking up of housis," and took possession of the said castle. Defenders have fortified it, and intend to keep it as a place of war and a refuge for all broken men and rebels.—Pursuer appearing by Gilbert Neilsoun, advocate, and defender not appearing, nor information being received that the said tower was delivered up, the Lords order an officer of arms to pass and demand surrender of the same to pursuer within 6 hours, and, if defender refuse, to denounce him rebel.

Monro for forcible seizure and occupation of the castle and fortalice of Foullis.

Fol. 123, b.

Fol. 124, a.

Complaint by the Treasurer, Treasurer-Depute, and King's Advocate that the following persons remain at the horn (*cf.* p. 573):—George, Earl of Caithnes, Sir William Sinclair of Catboill, knight, Sir Johnne Sinclair of Greinland, James Sincler, elder of Murkill, James Sinclair, younger of Murkill, David Sinclair of Din, Williame Bruce of Standstill, Johnne Sinclair of Crapstaill, Dougall M^cKenzie, Johnne Sinclair of Byres, Adam Gordoun of Ledderoun, William Sudderland there, M^r Andro Oigstoun, minister at Cameslay, Andro Mowat of Sowany, Johnne Innes of Brenyes, Johnne Mansoun of Feild, George Mansoun of Auldwerk, Rodger Sinclair at the mill of Cheritie, David Beatoun in Weick, Alexander Suderland in Thurso, Hary Urquhart, George Innes of Scaill, Richart Sinclair of Wester Brynes, William Cobill in Thurso, Johnne Reid Roriesoun in Achidder, Margaret Sudderland in Weddinghame, M^r James Lawder, chantor of Ros, George Gordoun of Linkwood, Donald Fraser, maltman, burgess of Innernes, Johnne Calder in Eister Delneis, George Gordoun in Fernachtie, Ronald M^cKenzie, burgess of Dingwall, M^r Ronnald Bayne there, Finla Dingwell there, Hucheoun M^cThomas M^cAllaster, burgess of Tayne, Andro M^cCulloche there, Waltir Strauchane there, William Innes in Ruiffis, Alexander Gordoun in Golspie, Robert Aitkin in Dunrobin, Johnne Leslie in Brora, Andro Andersoun in Helmsdaill, Adam Gordoun, George [his] son, Johnne Gordoun of Bakie, Johnne Gordoun, Hew [his] son, Patrik Gordoun of Garleis, Adame Gordoun, brother of Alexander Gordoun of Golspie, Alexander Clerk in Dornoche, David Ros of Balnagowne, Johnne Denwne of Catboill, Arthour Sutherland in Inchefurd, and George Monro of Tarlachie.—Pursuers appearing, and Sir William Sinclair appearing by M^r Robert Narne, and Johnne Sincler of Ganeis and Thomas Ros of Logy being present in person, and the said Robert Monro appearing by proxy, but the other defenders not being present, pursuers produced letters of horning, raised by Johnne Murray and George Oustiane, merchant burgesses of Edinburgh, on 25th October 1613, for not paying £5 for each of 100 chalders of bere, and another letter at the instance of M^r David Bruce, minister at Elrig, raised against

Government prosecution of a number of persons remaining contumaciously at the horn.

Fol. 124, b.

Fol. 125, a.

the said Sir William on 21st May 1617 for not paying 200 merks and other sums. Mr Narne replied that the gift of Sir William's escheat "quhilk fell by reasoun of the saidis horningis" was already disponed. The Lords, however, order the said Sir William to compone for his said escheat, and to relax himself before Martinmas next. Pursuers then produced a letter of horning of 21st May 1617 executed against Johnne Sinclair of Ganeis by the said Mr David Bruce, minister at Hoilrik, for not paying his stipend. Nothing being urged in defender's behalf, the Lords order as above. Pursuers produced a letter of horning of 7th March 1615 raised by Margaret Gordoun in Multay against the said Thomas Ros for not paying £300; also a letter of horning of 4th September 1613, raised at the instance of Alexander Measoun against the said George Monro, for not paying certain bolls of victual. Letters of relaxation were however produced in both cases. The Lords order the absentee defenders to be denounced rebels. Decreta Nov. 1618–Feb. 1620. Fol. 125, b.

Agnes Henderson, relict of Philip Gibson, burgess of Haddington, against George Hepburn, bailie of Haddington, for evading and nullifying letters of caption for debt obtained against Dame Mary Whitelaw.

Complaint by Agnes Hendirsoun, relict of Philpe Gibsoun, burgess of Haddingtoun, as follows:—Dame Mary Quhytlaw, relict of Sir Williame Home of Quhitlaw, having remained unrelaxed from a horning raised by pursuer against her for not paying 700 merks of principal and 100 merks of expenses, pursuer resolved to obtain letters of caption. When pursuer was in the burgh of Haddingtoun in January last she charged George Hepburne, bailie of the said burgh, to apprehend the said Dame Mary. He, "for a culloure and schaw of obedience," arrested her and took her, not to the tolbooth, but to his own house, "gaif hir the best chalmer of his house, and useis and intertenyis hir within his house with that respect and dewtie as gif sho wer a frie persone and ane of the best rank and qualitie of the schyre, quhairthrow the said Dame Marie is in a fer better estaite and conditioun nor scho wes before hir apprehensioun."—Pursuer and defender appearing, the Lords order the latter to commit the said Dame Marie to the tolbooth of Haddingtoun. Fol. 126, a. Fol. 126, b.

Alexander Barclay against John Ross for assault.

Complaint by Alexander Barclay, merchant burgess of Edinburgh, and Williame Davidsoun, his servant, that Johnne Ros, son of Gilbert Ros of Millanerdaill, threw the said Williame over the said Gilbert's stair on 5th April 1617, and that he went to the house of the said Alexander, assaulted him and his wife, and "harlit" the latter across the close by the hair of the head.—Defender appearing, and pursuer not being present, the Lords assoilzie defender.

Grant to William Crawford of Camlarg and William Hay of the sole privilege for 21 years of searching for clay in Scotland suitable for pottery, tobacco pipes, &c.,

His Majesty, "understanding that William Crawfurd of Camlarg in attempting to erect and manteine glaswarkis within this realme of Scotland hath beine at greate charges and expensis, to the hurt of his estate, and that the said William Crawfurd, and William Hay, sone to William Hay of Mayne, have discouered by thair paines and trauellis, maid be thame upoun thair large charges and expensis, that thair is greit quantitie of clay in divers pairtis of this kingdome quhilk being transportit into his Majesteis realme of England is als goode and sufficient for making of pottis for glaswarkis, tabacco pypis, and sindrie uther vessellis and Commissions. Fol. 81, a.

Commissions. engynis maid of clay as that clay quhilk is usuallie bocht and brocht frome forreyne pairtis to thair uses in the said realme of England," and being willing "to encurage him and the said William Hay and utheris to the discouerie and setting forward of any bussynes quhilk may tend to the increassing of traide, keiping of moneyis within his Majesteis awin dominionis, and venting sic thingis as ar in greite plentie and small use within this realme," ordains letters to be passed under the Great Seal of the said kingdom granting to the foresaid persons for the space of 21 years the "onlie libertie, speciall preuiledge, full rycht, and tollerance to find out and discouer clay within the said kingdome of Scotland and in all the pairtis thairof, and to away tak and transport the same to the pairtis of England but stop, truble, or impediment, and to sell, use and dispone thairupoun at thair pleasour,—with this speciall conditioun and provisioun, that the consent of the landislord and the maister of the ground be first haid and obtenit both to the discouerie and the away-taking of the said clay." The lieges are charged not to interfere with the said right. The
Fol. 81, b. said persons are to pay to his Majesty a duty of 48. Scots for each ton of clay transported; and "it is alwayes provydit that, gif thair salbe at ony tyme dureing the said speace of tuentie ane yeiris any warkis erectit in any pairt of the said realme of Scotland for making any pypes, pottis, or vessellis of clay, and that it sall appeir to the Lordis of his Majesteis Previe Counsall of Scotland that the transport of clay frome the plaices neir to the saidis workis may caus ane want of clay for intertenying thairof, that in that caice the saidis Lordis may discharge the carying of clay oute of sic plaices as thay sall think expedient to designe, notwithstanding this present licence." It is also declared that after the expiring of this patent "the discouery and transporting of clay salbe frie thairefter to all his Majesteis subjectis, and that no new patent salbe grantit to ony
Fol. 82, a. particular persoun or personis to that effect." Given and subscribed at Halyrudhouse.

and of transporting the same into England for such use.

Cautions. Fol. 14, b. Caution by Sir Mongo Murray of . . , knight, for Sir Lauchlane M'Intosche of Dunnauchtane, knight, in 5000 (?) merks, to proceed, on his release from his ward in the castle of Edinburgh, to the burgh, and to remain there till he pay Lord Gordoun the sum of £10,500, as ordered by the Lords, *ante*, pp. 559, 571.

2nd June 1619.[1] Caution for Sir Lauchlan MacIntosh.

Caution by Robert Wallace of Holmestoun for Thomas Kennedy of Ardmillane, in £1000, not to molest Alexander Barclay, merchant bur-

Caution for Kennedy of Ardmillan.

[1] On this day, Calderwood tells us, there was proclamation at the cross of Edinburgh for universal obedience to the Five Articles of Perth, with special prohibition of the writing, circulating, or reading of books or pamphlets against the said Articles. He goes on to tell, with some glee, that at that moment there was lying at Burntisland a bale of copies of a book of his own, entitled *Perth Assembly*, which had been printed abroad and recently imported. The bale, providentially, had escaped the vigilance of the customs' officer, and even of Archbishop Spotswood himself, when that prelate chanced to pass through Burntisland; else it might have gone hard with Calderwood, already under sentence of banishment as he was (*ante*, p. 203 and n.) for a less offence than this resolute publication would have been accounted had it been traced to him.

gess of Edinburgh, or his family and servants. Signed by cautioner and principal. Cautions.

Halyrudhous, 3rd June 1619.

Sederunt—Chancellor; Treasurer; Wyntoun; Roxburgh; Bugcleuch; Melros; Lauderdaill; Sanquhar; Maxuell; Lord Erskeine; Carnegy; Master of Elphingstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsayth; Bruntyland; Ridhous; Medop; Curryhill; Foistersait; M^r^ P. Rollok; Sir Andro Ker; Conservator. Acta Sept. 1617–July 1620. Fol. 172, a.

Royal gift to the Earl of Mar of £20,000 out of the surplus of the Taxation of 1617.

"Forsamekle as it hes pleasit the Kingis Majestie, upoun a trew respect to the faithfull and goode service done unto his Majestie be his traist cousigne and counsallour Johnne, Erle of Mar, Thesaurar of this kingdome, to direct his Majesteis precept to Sir Gedeone Murray of Elibank, knycht, collectour of the taxatioun of tua hundreth thowsand pundis grantit to his Majestie be his Estaittis in the moneth of March j^m^vj^c^ and sevinteine yeiris, for answering and payment making to the said Erle of the sowme of tuentie thowsand pundis money of this kingdome oute of the superplus of the said taxatioun quhilk exceidis the said sowme of tua hundreth thowsand pundis, as his Majesteis precept direct to this effect, beiring dait at Henchinbrook the xxiij day of October last bypast, beiris; and the Lordis of Secreit Counsall Commissionaris of his Majesteis Rentis being verrie weill pleasit that payment be maid of the sowme foirsaid to the said Erle of Mar conforme to his Majesteis expres will, pleasour, and directioun in this mater: Thairfoir the saidis Lordis ordanis and commandis the said Sir Gedeone Murray to ansuer and mak payment to the said Erle of Mar of the sowme foirsaid of tuentie thowsand pundis oute of the reddyest of the superplus of the said taxatioun being in his handis. Anent the payment of the quhilk sowme the extract of this act, with the acquittance of the said Erle of Mar upoun the ressett of the said sowme, salbe unto the said Sir Gedeone a warrand." Fol. 172, b.

Order for payment of 20,000 merks to Sir John Murray of Philiphaugh on his surrender of his heritable office of sheriff-principal of Selkirk.

"Forsameikle as the Kingis Majestie hes aggrieit with Sir Johnne Murray of Phillophauch, knycht, for a surrender to be maid be him of his heritable office of schiref principall of the schirefdome of Selkirk, and his Majestie hes directit his precept to Johne, Erle of Mar, his Majesteis Thesaurair, and Sir Gedeone Murray of Elibank, knycht, Deputie-Thesaurair, to mak payment to the said Sir Johnne of the sowme of tuentie t[howsand] merkis after surrender laughfullie maid of the said office sa son[e and at] suche convenient tymes as the estate of his Majesteis cofferris may [permi]tt: Thairfoir the Lordis of Secreit Counsall Commissionaris of his Majesteis Rentis ordaines and commandis the saidis Thesaurair and Thesaurair-Depute to mak payment to the said Johnne Murray of the said sowme [of tuentie] thowsand merkis, he first making surrender of the said office as [said is], so sone and at suche tymes as the estate of his Majesteis cofferis will [per]mitt. Anent the payment of the quhilk sowme the ex[tract of this act], with the said Sir Johnne his

Acta Sept. 1617–July 1620.

acquittance, salbe unto [the said Thesau]rair and Deputie-Thesaurair sufficient warrand."

Decreta Nov. 1618–Feb. 1620.

[Sederunt as recorded above.]

Edinburgh, 3rd June 1619.

Fol. 127, a.

Prosecution of a number of persons in Aberdeen for illegal sale of tobacco.

Complaint by the King's Advocate that George Scot, burgess of Abirdene, Alexander Jaffray there, Hew Andirsoun there, David Ronaldsoun there, Patrik Layng there, Waltir Colisoun there, James Gordoun there, William Maisoun there, Peter Sewane there, Johnne Meldrum there, Johnne Liddell there, and Arthoure Wallace in Futie have contravened the acts and proclamations anent the homebringing and sale of tobacco. —Pursuer appearing personally, and the said Patrik Layng and Johnne Meldrum being present, and the other defenders not appearing, the

Fol. 127, b.

Lords assoilzie the said Patrik and Johnne, and find each of the absentees guilty of having sold 10 stone weight of tobacco at 16š. the ounce, and give order as in like cases.

Caption against Captain James Johnston of Lochhouse for non-delivery of certain writs.

Fol. 128, a.

Complaint by Johnne Johnnstoun in Auchinskeoche, son of the late Williame Johnnstoun, brother of the late Symeone Johnnstoun, Commendator of Salsett, "and sua appeirand air to the said umquhill Symon Johnnstoun, his father bruther," and Robert Johnnstoun of Racleuch, tutor of Johnnstoun, "to quhome the said Johnne hes annaliet and disponit the landis underwrittin, and sua the saidis Johnne and Robert Johnnstonis haveing guid richt to call and persew for exhibitioun and del verie to thame of the writtis and evidentis of the landis,"—that Captain James Johnestoun of Lochhouse remains unrelaxed from a horning of 14th November 1618 for not producing the said writs.—Pursuers appearing by Fergus Grahame of Blawatwood, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Alexander Murray against William Brown for vitiating a document.

Fol. 128, b.

Complaint by Alexander Murray of Yrnealmerie, as follows :—Williame Broun in Yrnealmerie raised letters of lawburrows in the year 1616 against Johnne, Lord Hereis, and others. "And, the saidis letteris being signed, sua that all lauchfull tyme or occasioun of reaseing, alterating, or vitiating of the same wes removit, notwithstanding it is of treuth that the said William Broun verie unhonnestlie and falslie, aganis the dewtie of good and honnest subjectis, reasit half a lyne of the saidis letteris of lawburrowis, deleiting ane of the names that wes insert thairintill, and in place thairof put the said complenairis name. And be virtew of that vitiat letter he causit chairge the said complener to find lawsouirtie to the said Broun. And he is so fer afrontit in this his falsett as he wes not affrayit to caus gif unto the said complener a copie of the saidis letteris under his awne hand, thinking thairby to have removit frome the said complener all suspitioun of the said falsett." Though pursuer has sustained "verie litle prejudice," yet the "reaseing and vitiating of letteris" is a "moist dangerous and wicked preparative and may draw on mony daingerous effectis."—Pursuer appearing personally,

and defender not appearing, the Lords order defender to be denounced rebel. Decreta Nov. 1618–Feb. 1620.

Andrew Forsyth, messenger, against Borthwick of Soutray and his son for assault.

Complaint by Andro Forsyth, messenger, as follows :—He was employed by Alexander Persone, cordiner, burgesss of the Cannogait, to execute a summons against Williame Borthuik, elder of Sowtray, and Williame Borthuik, younger thereof, his son. He went to defenders in Edinburgh on 28th May last and charged them as ordered. Thereupon, Williame Borthuik, younger, at his father's bidding, upbraided pursuer, assaulted and wounded him and his brother Johnne Forsyth, one of his witnesses, with his fists and a rapier.—Pursuer appearing personally, and Williame Borthuik, younger, also appearing, the Lords assoilzie defender, because pursuer has failed to prove his charges. Fol. 129, a. Fol. 129, b.

Mr. Patrick Scheves, minister of Kirkgunzeon, against Edward Maxwell and others for assault.

Complaint by Mr Patrik Scheves, minister at Kirkgunneane, as follows: —Edward Maxwell, brother of Johnne, Lord Hereis, "being undir proces before the ministeris of the prisbiterie of Drumfreis for a sclander of the foull cryme of adulterie quhairof he wes suspect guilty, and he haueing refuisit to purge him selff of that sclander be the ordiner and accustomed forme obseruit within the kirkis of this kingdome," pursuer was commanded by the presbytery "to use the ordinair censure of the Kirk" against him, "seeing he wes for the tyme ane of the saidis complenairis parrochynnairis." After the "first and second admonitionis," the said Edward conceived a deadly malice against pursuer, and resolved by threats and other violent proceedings to "constrayne the said complener to leaf af all forder insisting aganis him." On 6th February last, he, accompanied by Johnne Redick of Dalbatie, James Redick of Grange, Hew Redick at the Steppis of Or, and Johnne McMyne in Spottis, went to pursuer's tenants' houses "within a stone cast to his awne house," and stayed there the whole day, "haveing with him that same woman with quhome he wes undir sclander of adulterie." They passed the time in drinking, waiting their opportunity. "And, persaveing the said complenair about the twylicht comeing to his awne house, thay come all rynand directlie towardis him, and the said Edward formest, haveing cassin away his cloik to overrin the rest. And, quhen thay come to the complenair, thay first quarrellit him for that he durst medle with a gentilman of the said Edwardis qualitie, and then thay persewit him of his lyff, gaif him a nomber of straikis with thair fauldit neiveis upoun the head, and dang him dead to the ground." Pursuer rose with difficulty, and, fleeing to his house, was followed by Johnne Redick of Dalbetie. He would have received serious harm, but for the timely assistance of a gentleman who was at hand.—Pursuer appearing personally, and defenders, except Johnne Redick of Dalbatie, being present, the Lords assoilzie defenders, but order them to find caution, the said Edward Maxwell in 1000 merks, the others in 500 merks each, for pursuer's idemnity. They order Johnne Redick to be denounced rebel. Fol. 130, a.

Commission for the apprehension of

Commision under the Signet, signed by the Chancellor, Winton, and Melros, is given to , Earl of Monteith, , Earl of Glen- Commissions. Fol. 78, b.

Commissions.

carne, Johnne, Earl of Perthe, Sir Duncane Campbell of Glenurquhie, Sir Johnne Buchannan of that Ilk, and William Buchannan of Drumakeill, sheriff of Dumbartoun, to apprehend Allaster M^cFarlane, son of Andro Moir M^cFarlane in Kepnoch, and Callum M^cFarlane, "hantand" in Pollochro, son of Johnne Buchannan in Pollochro, who were put to the horn on 17th April last, at the instance of Thomas, Johnne, Archibald, and Robert Buchannan, sons, and the remaining kin, of William Buchannan in Blairnaword (?), for not finding caution for their appearance before the Justice on the charge of having murdered the said William and killed his four "grewhound dogis"; also, to apprehend Andro Moir M^cFarlane in Kepnoch, Andro M^cFarlane, his son, Patrik M^cFarlane, servitor to the said Andro Moir, and Duncane Arrell, "cordiner" in Drumlegark, who were put to the horn on 26th May last on the same charge, and Malcome M^cFarlane, "hantand" in Pollochro, Andro Moir M^cFarlane in Kepnoch, Andro and Allester M^cFarlane, his sons, who were put to the horn on 27th April last for not appearing to underlie order anent the peace of the country.

Allaster and Andro Macfarlane and others, at the horn for certain crimes.

Cautions.
Fol. 15, a.

Caution by Pringill of Bukholme, and James Pringle of , for Johnne Pringle at , not to molest Thomas Adnestoun, merchant burgess of Edinburgh, or his family and servants.

Caution for John Pringle.

Fol. 15, b.

Caution by James Redick of Grange for Edward Maxwell, brother of Johnne, Lord Hereis, and by James Murray of Irnealmerie for Alexander Murray, his eldest son, not to molest James Redick and Hew Redick at the Steppis of Or; also by the said James Redick of Grange for Johnne , not to molest M^r Patrik Schevis, minister at Kirkguneone, or his family and servants (*ante*, p. 588). Signed by cautioners and principals.

4th June 1619. Cautions for Edward Maxwell and others.

Acta Sept. 1617–July 1620.
Fol. 172, b.

Sederunt—Chancellor; Wigtoun; Lotheane; Melros; Lauderdaill; Sanquhair; Maxuell; Lord Gordoun; Carnegy; Master of Elphingstoun; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsaythe; Ridhous; Bruntyland; Medop; Fostersait; M^r P. Rollok; Sir Andro Ker; Conservator.

Halyrudhous, 8th June 1619.

Fol. 173, a.

"Quhairas the Kingis Majestie hes of new recommendit to the Lordis of Secreit Counsall his formar propositioun anent the restraynt of fraughting of strangeris schippis, and hes signefied his princelie pleasour and resolve thairanent that he will admitt of no langer delayis, bot will have a full conformitie of seafairing in all his Majesteis dominionis; and the saidis Lordis haueing causit warne the Bailleis and Deane of Gild of Edinburgh for the Burrowis, and James Home, James Baird, and some uther skipparis in Leythe, to compeir this day befoir the saidis Lordis to heir and sie his Majesteis will and pleasour intimat unto thame; and his Majestie haueing also send downe copeis of the actis and proclamationis maid in England concerneing this bussynes and of the conditionis quhairunto the merchandis and skipparis ar mutuallie bund; and the said David Aikin-

Order for the consideration by the Convention of Burghs in Haddington next month of the long deferred question of the freighting of foreign ships, in order that the question may be brought to a final settlement, as required by his Majesty.

head and Maister Johnne Hay, clerk of Edinburgh, for the Burrowis, and James Home and some uther maisteris of schippis for the Skipparis, compeirand personallie, and his Majesteis will and pleasour foirsaid intimat unto thame, and all that they haid to say or alledge thairanent being hard and considderrit be the saidis Lordis, and thay ryplie advyseit thairwith: The Lordis of Secreit Counsall, being cairfull that this mater sall ressave some frendlie dres and conclusioun with the mutuall consent and good lykeing of the merchantis and skipparis quhome the bussynes cheiflie and properlie concernis, and thairfoir the saidis Lordis as of befoir contenewis this mater unto the Conventioun of the Burrowis to be haldin at Haddingtoun in the moneth of July nixt, and ordanis Sir Alexander Drummond of Medop, knycht, Admirall Depute, to send tymous and lauchfull adverteisment to the skipparis of the principall burrowis of this kingdome that thay direct and send sax discreit personis of thair nomeber to the said Conventioun to confer with the Commissionaris of Burrowis in this matter and upoun all sic particularis as doeth or may concerne the same, to the effect that with mutuall consent the bussynes may be broght to ane goode conclusioun, and that report be maid of thair proceidingis in this mater to the saidis Lordis upoun the xv day of July nixtocum, to the effect the saidis Lordis may thane proceid to the finall determinatioun heirintill. And the saidis Lordis ordanis the Commissionaris of Burrowis to be convenit at the said Conventioun to direct and send some persones authorized with power and commissioun frome thame, and ordanis the skipparis to direct and send some persones authorized and furneist with full commissioun frome that estate, to attend the saidis Lordis and to deale in this mater quhill it be putt to an poynt." Acta Sept. 1617-July 1620.

Safe conduct to Coll Mac-Gillespic for his intended coming to Edinburgh to tender his submission and obedience to law for the future.

"Forsamekle as Coill McGillespik haveing resolueit to become ane obedient and dewtifull subject to our Soverane Lord and to contenew under the obedience of his Majesteis lawis in all tyme comeing, and for this effect is myndit to come in and to present him selff befoir the Lordis of his Majesteis Previe Counsall for giveing unto thame satisfactioun and contentment anent his future obedience; and the saidis Lordis being willing to encurage him in this his resolutioun, and to remove all lattis and impedimentis quhilkis may be a hinder to his incomeing: Thairfoir the saidis Lordis declairis that the said Coill in his comeing to this burgh, in his remaineing thairin, and in his depairting and passing hame, sall onnawyes be takin, apprehendit, trublit, wairdit, or arreisted for quhatsomeuir deid, caus, or occasioun, bot that he salbe frie to come and gang at his pleasour quhill the first day of August nixtocome, providing that he gif his personall compeirance befoir the saidis Lordis betuix and the twelft day of Julij nixtocum; otherwayes this present warrand to be of nane availl, force, nor effect: dischargeing heirby all judgeis, officeris, and magistrattis to burgh and land of all taking, apprehending, warding, or arreisting of the said Coill for quhatsomeuir deid, caus, or occasioun quhill the said first day of August nixtocum, and of thair officeis in that pairt, be thir presentis." [1] Isles. Page 243.

[1] For Coll Macgillespic and his antecedents see vol. x. by the Index.

Sederunts. Fol. 38, b.

"Protectioun to M^cEane of Ornissaig."

Decreta Nov. 1618–Feb. 1620. Fol. 130, b.

[Sederunt as recorded above.]

Halyruidhous, 8th June 1619.

Gilbert Milligan against James and John Kirkpatrick for assault.

Complaint by Gilbert Melligane, servant and tenant of Sir Williame Greir of Lag, knight, and the said Sir Williame for his interest, as follows:—On Sunday, 17th January last, pursuer, while returning from the parish kirk of Dunscore, was attacked in the kirkyard by James Kirkpatrik in Dempstertoun, Johnne Kirkpatrik, his son, and others, all armed, and severely hurt on the head and other parts.—Pursuer appearing personally, Fol. 131, a. and James Kirkpatrik appearing, but Johnne not answering his name, the Lords assoilzie the said James, but find the charge against the absentee proven, and order him to enter his person in the Tolbooth of Edinburgh within six days.

Fol. 131, b.

Margaret Cowan against John Bellenden, bailie of the barony of Broughton, for illegal imprisonment.

Complaint by Margaret Cowane, spouse of Henry Fentoun in the Cannogait, and the said Henry for his interest, that she was wrongously arrested on 5th instant by Johnne Bellindane, bailie of the barony of Brochtoun, and is still kept prisoner.—Johnne Bellindane appearing and exhibiting pursuer, and having declared that pursuer had been lawfully apprehended "for ane injurie and wrong committit be hir aganis Andro Lawsoun, gairdner, servitour [to] Dame Elizabeth Ker, Lady Broughtoun, by uttering of mony injurious and disgracefull speitcheis aganis him and stryking of him upoun the face," as proved by an act of the barony court produced, the Lords order pursuer to pay £5 to the said Andro, and to be detained by the bailie till she pay the same.

Cautions. Fol. 15, b.

9th June 1619. Caution by Gordon of Gicht for William and Harry Gordon.

Presentation by . . . of act of caution by [George] Gordoun of Geycht for Williame Gordoun of Saphak and Harie Gordoun in Haddo anent the molestation of William Keyth and M^r Johnne Merser. Thomas Crombie, James Quhytfurd, George Gibsoun, William Gordoun, and J. Smith, witnesses to the act.

Decreta Nov. 1618–Feb. 1620. Fol. 132, a.

Halyruidhouse, 10th June 1619.

Sederunt—Chancellor; Wigtoun; Lotheane; Roxburgh; Melrois; Laudirdaill; Sanquhair; Lord Gordoun; Carnegie; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Innerteill; Curriehill; Foistersait; M^r Petir Rollok; Sir Andro Ker.

Mr. Robert Auchmuty against James and John Ramsay for rescue of Crichton of Naughton from lawful arrest.

Complaint by M^r Robert Auchmowtie of Demyng as follows:—Lwes Creichtoun of Nauchtane was put to the horn by pursuer for not relieving him at the hands of M^r Johnne Horne of Balgowny, and Susanna Weir, his spouse, of the sum of 800 merks of principal and £100 of expenses. Pursuer gave the execution of the letters of caption to James Fuird, pursuivant, who, on 11th January last, employed Thomas Fuird, messenger, to charge defender. James Ramsay of Corstoun and Johnne Ramsay of Pittachop "took him af the said messingeris handis, and ather Fol. 132, b. hes him in keiping, or then hes set him at libertie."—Pursuer appearing

personally, and defenders not appearing, the Lords order the said lairds to be denounced rebels. Decreta Nov. 1618–Feb. 1620.

Caption against John Jardine of Balgray for debt.

Complaint by Jonett Drummond, relict of Johnne Bertane, goldsmith, burgess of Edinburgh, that Johnne Jerdane of Balgray remains unrelaxed from a horning of 23rd May 1618 for not paying £70 of principal and £20 of expenses.—Pursuer appearing by William Stewart in Edinburgh, Fol. 133, a. and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Janet Cook, daughter of Daniel Cook in the West Port of Edinburgh, against Thomas Laurie for assault.

Complaint by Jonett Cuike, daughter of Daniell Cuike, sheetmaker at the West Port of Edinburgh, and her said father for his interest, as follows:—On 7th instant, while pursuer was near the dwelling house of Thomas Lowrie beyond the West Port, the said Thomas "called upoun the said Jonnet efter a moist hamelie and familiar maner, offering and haldin furth unto hir ane floure quhilk he had in his hand." Pursuer having gone "at his desyre," the said Thomas shamefully struck the "young harmeles damosell" with hands and feet, "tooke hir be the clothes, and harlit and drew hir downe his awne cloise, and thair of new agane strak and dang hir," and then "pat hir furth at ane bak syde." Fol. 133 b. —Pursuers and defender appearing personally, the Lords assoilzie defender, because he has denied the charge on oath, but order him to find law-surety in £100.

King's Advocate and Gordon of Gicht against Andrew Meldrum for carrying fire-arms.

Complaint by the King's Advocate and George Gordoun of Geycht that Andro Meldrum, called of Drumbrek, has worn hagbuts and pistollets from January 1618, and "gangis thairwith in all pairtis of the cuntrey Fol. 134, a. quhair he hes occasioun to repair, and useis the same for his particulair revenge upoun all suche personis aganis whome he beiris querrell."—Pursuers appearing personally, and defender appearing by Mr Rodger Mowat, advocate, because of his "infirmitie and inhabilitie to compeir, notoure and knawne," the Lords find the charge of having carried pistollets proven, and order defender to keep ward in Edinburgh during their pleasure, and to find caution in 2000 merks to keep the peace.

Licence to the Earl of Menteith to go abroad.

Licence, signed by the Chancellor, Lotheane, Wigtoun, Melros, Sanquhar, Commissions. Carnegy, and George Hay, is given to Williame, Earl of Menteith, to go Fol. 79, b. abroad for years without skaith to his person or goods, provided he behave as a dutiful subject.

Commission for the trial of suspected thieves in the barony of Blantyre.

Commission under the Signet, signed by the Chancellor, Wigtoun, Roxburgh, Melros, R. Cokburne, and George Hay, is given to Williame, Lord of Blantyre, Sir Archibald Stewart of Castelmilk, and Robert Hammiltoun of Torens to apprehend and try all persons suspected of theft within the bounds of the barony of Blantyre.

Merchants and skippers.

"Ane missive to his Majestie anent the marcheantis and skipparis." Sederunts. Fol. 38, b.

Francis Stewart.

"Ane missive to his Majestie anent Frances Steuart."

Caution for John Laing in Auchtermuchty.

Caution by Andro Hardie, candlemaker, burgess of Edinburgh, for Cautions. Johnne Layng in Auchtermuchtie, not to intercommune with Thomas Fol. 16, b. Hardie, Williame Hardie, and Gawin , at the horn at the in-

Cautions 1619. stance of Bessie Stirk in Widdersbie, her children, and the kin of the late Thomesoun.

Acta Sept. 1617-July 1620. Fol. 173, a.

Sederunt—Chancellor; Wigtoun; Lotheane; Melros; Lauderdaill; Maxuell, Carnegye; Treasurer-Depute; Clerk of Register; Advocate; Curryhill; Fostersait; M^r^ Peter Rollok; Sir Andro Ker; Sir Peter Young. Halyrudhous, 15th June 1619.[1]

Fol. 173, b.

"The Lordis of Secreit Counsall considdering the greit and extraordinar allowance assigneit for interteyning of his Majesteis schip callit *The Charles*, quhilk his Majestie wes pleased to send her to attend his Majesteis service in thir watteris, and finding it nawayes necessar and expedient that suche ane onnecessar and neidles allowance salbe of any langer contenowance quhenas the said schip lyis idle without occasioun or necessitie of imployment, bot that ordour be tane both for retrinsching of this allowance and for the saulff and sure keiping of the schip at a moir easie and reassonabill rate and conditioun: Thairfoir the saidis Lordis, after goode advyce and deliberatioun, and after conference haid be thame with Capitane Murray who hes the charge of the schip, hes resolveit upoun the course and ordour following to be observeit heirefter anent the keiping of the said schip and anent the charges and expensis of the personis that salbe appoyntit to attend and awaitt upoun hir:—to witt, thay ordane that with all convenient diligence the schip salbe broght in to the harborie of Leythe, and that hir haill artaillerie, saillis, furnitour for wear, and utheris ornamentis salbe inventarit and tane

Order for the more economical keeping of his Majesty's ship *The Charles* in future, with recommendation to his Majesty that Captain Murray, hitherto commander of the said ship, have a life-pension of £2000 a year.

[1] The excitement in Edinburgh over the Five Articles of Perth seems now to have been at its height. Archbishop Spotswood had gone to Court for consultation with the King on the subject; and the conforming ministry of Edinburgh, Calderwood tells us (vii. 381), had been writing to the King, complaining of the insults to which they were subjected by the Edinburgh community, with permission, or even approbation, from the magistrates, for their loyal acceptance of the Articles. His Majesty was urged to interfere forcibly, and even assured, says Calderwood, "that he might gett als great vantage now of the town of Edinburgh as he had at the 17th of December,"—*i.e.*, the famous 17th of December 1596 (see *ante*, footnote p. 493). The King seems to have thought it enough meanwhile to send a sharp rebuke to the Edinburgh magistrates. It had come on the 11th of June; and the magistrates, on their part, repenting the action of the ministers of the town, sent up their town-clerk to explain matters to his Majesty.—An incident of the 12th of June was the searching by the King's guard of the shops and houses of Andro Hart, James Cathkine, and Richard Lawson for books and pamphlets against the Perth Articles, and especially for copies of Calderwood's *Perth Assembly*, now in pretty brisk circulation. The Captain of the Guard, Sir Andrew Ker of Fernihirst, did not find any of the dangerous books, "nor their author, Mr. David Calderwode, as was intendit." So writes Calderwood himself (vii. 382), informing us that "the author was "in the meane time lurking in Cranstoun, in "a secrete chamber appointed for him by my "Ladie Sara Cranstoun, who was manie "wayes steadable to him." He was in hiding, in fact, till he could go abroad,—which, however, was not till about two months afterwards.—It was strange that no copies of the *Perth Assembly* were found in the bookseller Cathkine's house; for Calderwood had been lodging in the house, and had left five or six copies "lying above the bedclothes" in the chamber he had occupied. Cathkine himself, having gone to London on business, was apprehended there, and confined for a while in the Gatehouse, but was released at last by Spotswood's intercession.

oute of hir, and that the said artaillerie and furnitour for weir salbe put in the Castle of Edinburgh, and that hir saillis, cabillis, towis, and utheris ornamentis salbe put in some convenient and sure pairt and plaice, neir quhair scho sall ly, thair to remane and to be alwayes in reddynes for the use and service of the schip as the occasioun sall fall oute, and that the said schip salbe caryed up the watter of Forth to some commodious and sure plaice quhair scho may sauflie ly at ane anker without perrell or danger. And the saidis Lordis hes appoyntit the nomeber of four persones and a boy to attend and await upoun the said schip and to have the charge of the keiping of hir,—to witt, ane maister, tua q[uar]ter-maisteris, ane boittisman, and ane boy,—and hes mod[ifeit and] allowed, and be the tennour heirof modifeis and allowis, unto t[hame the] sowmes of money following to be payit to thame monethlie b[e his] Majesteis Thesaurair and Deputie-Thesaurair and ress[avearis of] his Majesteis Rentis for thair pay, chargeis, and expen[sis] . . . upoun the said schip: viz., to the maister for his monethlie pay th[ir]tie sax pundis, and for his boorde wadgeis in the moneth, compt[ing] sax schillingis in the day, nyne pundis; to ather of [the quarter]-maisteris for thair monethlie pay aucht pundis, and to a[ther] for thair boorde waidgeis nyne pundis; to the bo[ittisman for his mo]nethlie pay twelff pundis and for his boorde waigeis [monethlie] nyne pundis; to the boy for his monethlie pay sax pundis, and for his boord waigeis monethlie nyne pundis; quilkis haill [sowmes] and expensis extendis in the moneth to ane hundreth and fyifteene pundis, and in the yeir to ane thowsand thrie hundreth and fourtie pundis: beginnand the first monethis pay upoun the day of August nixttocome, and to contenew monethlie tha[irefter] so lang as the saidis personis hes the charge of the said schip. And, tuitcheing the said Capitane Murray, to the effect he may be ever in reddynes to attend his Majesteis service in the said schip, the saidis Lordis thinkis meit that his Majestie sall gif unto him ane yeirlie pensioun of twa thowsand pundis dureing his lyftyme, and ordaneis ane missive to be wreittin to his Majestie in his favour for this effect. By the quhilk course now tane be the saidis Lordis for keiping of the said schip not only will his Majestie be fred and releiveit of a greate [sowme] of money quhilk formarlie wes allowit for the keiping of the said schip, bot the same schip wilbe saulflie keipit and salbe euir in reddynes at all occasionis of service. And the saidis Lordis recommendis to Sir Gedeone Murray, Deputie-Thesaurair, to gif ordour and directioun for bringing of the said schip in to the harborie of Leyth, and for taking of hir artailyerie, furnitour for wear, saillis, and utheris ornamentis furth of hir, and putting of the same in suretie and keiping in maner abone-writtin, and for sending of the said schip up the narrow water as said is. For doing of the quhilkis premisis the extract of this act salbe unto the said Sir Gedeone ane warrand."

Acta Sept. 1617–July 1620.

Fol. 174, a.

Commission for the trial of William

Commission under the Signet, signed by the Chancellor, Melros, George Hay, and Alex. Drummond, is given to Sir George Bruce of Carnok,

Commissions. Fol. 80, b.

Commissions. knight, Johnne Erskeine of Balgonny, Sir Johnne Prestoun of Valyfeild, knight, and the bailies of the burgh of Culrois to try William Stevinsone, "a vagabound lowne and pycker," who was tried in Culrois on 4th March, and convicted of "notorious pycking and oppining of the dooris and kistis of sindrie inhabitantis of our said burgh with fauls keyis, and steiling of siluer, cloathis, and utheris guidis." The said prisoner, though scourged through the burgh and banished, has returned and renewed his misdeeds, and has broken into some "merchand buithis" by night, and stolen money. He is now in the tolbooth of Culrois. Stevenson, now in the tolbooth of Culross for housebreaking.

Sederunts. Fol. 38, b. "Ane missive to his Majestie in favouris of the marcheantis and awnaris of the ship callit *The Gift of God* of Leythe." The ship *Gif of God.*

"Ane missive to his Majestie anent his Majesteis awne ship." King's own ship.

Cautions. Fol. 16, b. Caution by William Flemyng of for George Welsche, James Welsche, his brother, George Walter Welsche in Logane, and others, not to molest [Alexander Weir in Nether] Newtoun. Caution for George and James Welsh.

Appeared Alexander Weir in Nether Newtoun and bound himself over to keep the peace. Alexander Weir.

Caution by James Somervell of Spittell for the foresaid Alexander Weir not to molest the foresaid Welsches. *Signatures.* Same.

Acta Sept. 1617-July 1620. Fol. 174, a. *Sederunt*—Chancellor; Lotheane; Melros; Lauderdaill; Maxuell; Lord Gordoun; Carnegy; Master of Elphingstoun; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Medop; M^r^ P. Rollok; Sir Andro Ker; Sir Peter Young. Halyrudhouse 17th June 1619.

"Forsamekle as, althoght the Kingis Majestie, be his letteris directit to the Lordis of his Majesteis Previe Counsall and Sessioun, willed thame to have ressaueit the communioun at Easter last with all dew reverence efter the maner prescryved be the ordouris and actis of the last Generall Assemblie of the Kirk haldin at Perth under the pane to be depoised frome thair plaiceis in his Majesteis Counsell and Sessioun, and that accordinglie Sir James Skeene of Curryhill wes adverteist to have communicatt with the rest of his Majesteis Counsaill and Sessioun, nevirtheles his Majestie is crediblie informed that he not only absentit him selff frome Edinburgh at that tyme, bot, to the gritter contempt of his Majestie and his auctoritie, he tooke the communioun in ane uther kirk and efter ane uther forme then wes prescryved be the actis of the said Assemblie and confermed be his Majestie; and quhairas his Majestie thinkis it ane unworthie pairt in ane to site as a judge under his Majestie who by his awne goode example will not leade the way of dewtytifull obedience unto otheris: Thairfoir the Lordis of Secreit Counsall, according to his Majesteis directioun, ordanis ane measair to pas and warne the said Sir James to compeir personallie befoir the saidis Lordis upoun the tuentie tua day of Junij instant to answer to the premisis, and to heir and sie the same verifeit and provin as accordis of the law, and thairfoir to heir and sie him suspendit frome his plaice Summons to Sir James Skene of Curriehill, one of the Lords of Council and Session, to appear before the Council to answer for having disobeyed at Easter last the King's order to partake of the Communion kneeling, as required by the Articles of the Perth Assembly, and having left Edinburgh on that occasion to partake of the Communion in a church still using the old fashion.

Fol. 174, b.

in his Majesteis Counsall and Sessioun till his Majesteis forder pleasour be knowin, or ellis to schaw ane reassonabill caus quhy the samyn sould not be done; with certificatioun to him and he failyie the saidis Lordis will suspend in maner foirsaid." Acta Sept. 1617–July 1620.

Royal Order for the banishment from Edinburgh of Mr. Peter Hewitt and Mr. John Hall, the two ministers whom his Majesty suspects as chiefly responsible for the continued oppugnancy of the people of the town to the Articles of Perth.

"Forsameikle as the Kingis Majestie ressaueis daylie adverteismentis of the insolenceis growing amangis the people of Edinburgh, quhilk cannot be utherwayes bot that they ar steired up to this unrewlie behaviour by some personis within the said burgh, amangis whome his Majestie hes just caus to suspect the tuo ministeris, Maister Peter Hewatt, quho wes depryveit of his ministrie at his Majesteis last being in Scotland [*ante*, p. 167 n., p. 183 n.], and nevirtheles in contempt of his Majestie and the sentence justlie pronunceit aganes him hes beine since that tyme intertenyed be the towne of Edinburgh as thair minister, and M^r^ Johnne Hall, who hes laitlie dimitted his ministrie under pretence of his aige and infirmitie [*ante*, p. 183 n., p. 490 n.]: Thairfoir the Kingis Majestie, with advyse of the Lordis of Secreit Counsall, ordanis letteris to be direct chargeing the saidis M^r^ Johnne Hall and M^r^ Peter Hewatt to remoue and depairt fra the plaiceis quhair they now dwell and remaine, and to addresse thame selffis to the plaiceis following, viz., the said M^r^ Johnne Hall to the burgh of Monrois, and the said M^r^ Peter to Croceraguell, within xlviij houris nixt efter the said charge, and that thay remaine and keip waird thair quhill thay be laughfullie fred [and] releiveit, as thay will ansuer to his Majestie and his Counsall upoun thair obedience.—Followis his Majesteis missive letter for warrand of the act abonewrittin.—Right trustie and right weilbeloued cousenis and counsallouris, and richt trustie and weilbeloueit counsalloris, wee greit yow weele.—Whairas we receave daylie adverteismentis of the insolenceis growing amongst that people of Edinburgh, and that it cannot be otherwayse but they ar steired up to this unrewlie behauiour bysome fyrebrandis thair, amongst quhome we have just [caus to sus]pect the tuo ministeris M^r^ Peter Hewarte[1] (who wes de[prived of] his ministrie at oure last being in Scotland, and nevirtheles [in contempte] of us and the sentence justlie pronunced against him hath be[ne since] that tyme interteyned by the towne of Edinburgh as thair minister), and Maister Johnne Hall, who haith laitlie dimitted his m[inistrie] under pretence of his aige and infirmitie: It is our pleasour [that yee] command thame to keip waird, the last of thame, to witt, [Maister Johnne] Hall, in the toun of Monrosse, and M^r^ Peter Hewarte in Crosse[raguell], and that they depairt oute of the boundis where now thay [live] within fourtie eight houris efter the intimatioun of this present under the pane of dissobedience. Which assuireing our selff ye will dewlie performe, wee bid yow fairweill. Gevin at our Mannour of Grenewich, the 12th of Junij 1619." Fol. 175, a.

Halyruidhous, 17th June 1619.

[Sederunt as recorded above, with the omission of *Medop.*]

Suspension of

Complaint by Gilbert Baird of Kilhenzie as follows:—He is informed Decreta Nov. 1618–Feb. 1620. Fol. 134, b.

[1] As in original letter, preserved among the *Miscellaneous Papers*. His name is given indifferently as Hewit or Ewart.

Decreta Nov. 1618–Feb. 1620.

that the Lords have ordered him to enter his person in ward on the complaint of Alexander Barclay, indweller in Mayboill (*ante*, p. 566). His absence was not "upoun ony contumacie or contempt or feir of the event of his tryall, bot upoun meir necessitie." On his way to Edinburgh he "contractit a fevir, proceiding upoun occasioun of ane hurte quhilk he ressavit in his hand frome the said Alexander, quhilk fevir become so violent as he wes constraynit to tak bed, and with grite difficultie to returne bak to the place of his former aboad." He had found caution in 1000 merks to appear to-day.—Parties appearing, the Lords, with consent of the said Alexander Barclay, suspend the said process.

the process against Gilbert Baird at the instance of Alexander Barclay.

Fol. 135, a.

Complaint by Gilbert Achesoun, merchant burgess of Edinburgh, and Katherine Measoun, his spouse, that Johnne Wischart of that Ilk remains unrelaxed from a horning of 10th May last for not paying £750 1s. 10d. of principal and £80 of expenses, according to a band dated 24th June 1617.—Pursuers appearing by Johnne Gillespie, messenger, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against Wishart of that Ilk for debt.

Fol. 135, b.

Complaint by David and Andro Malloch, brothers of M^r^ Johnne Malloche of Cardneis, that they have been put to the horn wrongously for failing to find caution each in 1000 merks for the indemnity of M^r^ Alexander Bruce of Cultmalundeis, Patrik, Master of Oliphant, and Williame Oliphant of Gask (*ante*, p. 578). The sums are extraordinary, for pursuers are "bot tua poore mean men, not valiant in all thay haif of frie geir in the world ather of thame the sowme of fourty pundis." The sums should be modified to £40. "And forder thay aucht nawyse to find cautioun to the said Williame Oliphant of Gask for his indempnitie, becaus it is of treuth that, he being present within the burgh of Perth at the cruell slauchter of umquhill Toscheoche of Monywaird and mutilating and striking clene away the said David Malloche his richt hand frome him, and ane actual persewair of thame at that tyme, he, takand the guyltines of that cryme upoun him, is become rebell tharfore, and is fugitive out of the cuntrey for the same." For obedience pursuers have found the caution required, and offer 20 merks for their escheat.—Pursuers appearing personally, and defenders not appearing, the Lords suspend the said process and modify the caution to £100 each.

Suspension of horning against David and Andrew Malloch.

Fol. 136, a.

Fol. 136, b.

Complaint by Johnne Redick of Chaipiltoun as follows:— Johnne Redick of Dalbetie was put to the horn at pursuer's instance for not paying certain sums of money and fulfilling a contract (*ante*, p. 581). Accordingly, Robert Murray, Chairlis Murray, and Thomas Haitlie, three of the Guard, proceeded to the country to arrest the said rebel. They apprehended him and "keipit him in thair company that haill day, passing over the tyme with him in ghames and uther freindlie and sociall pastymes that space," and "in end thay at thair awne hand, without the said complenairis consent or allowance, verie undewtifullie set the said rebell at libertie,"—which is "in plane mokage of all law and justice."—Pursuer

John Reddick of Chapeltoun against three of the Guard for allowing the escape of his legally arrested debtor, John Reddick of Dalbeattie.

appearing personally, and the said Robert and Chairlis Murray also appearing, the Lords find that defenders have done as stated, "to the havie hurte and skaith of the said persewair, he haveing no uther meanis to interteny him selff, his wyff, and familie bot the sowmes of money and provisionis specifeit and contenit in the saidis letteris of horning. And, whereas divers dyetis hes bene appointit and gevin to the saidis defendaris for exhibitioun of the said rebell and no diligence hes bene done be thame thairin, sua that be thair occasioun the said persewair is still frustrat of justice and the dew executioun of his letteris of horning and utheris warrandis following thairupoun, thairfore the saidis Lordis findis and declairis that the said Robert and Chairlis Murrayis aucht and sould be debttouris to the said persewair for the haill sowmes of money specifeit." Order is given accordingly; but execution of the decreet is "superseidit" till 1st November next, "to the effect that in this meantyme the saidis defendairis for thair releif may yit use thair diligence for apprehending of the said rebel." Decreta Nov. 1618–Feb. 1620. Fol. 137, a. Fol. 137, b.

19th June 1619. Caution for Allaster Grant.

Caution by for Allester Grant, natural son of the late Grant of Dalvie, to appear before the Council. Cautions 1619. Fol. 17, a.

Halyrudhous, 22nd June 1619.

Sederunt—Chancellor; Wyntoun; Lotheane; Melros; Lauderdaill; Carnegy; Master of Elphingstoun; Privy Seal; Treasurer-Depute; Clerk of Register; Advocate; Kilsaythe; Bruntyland; Medop; Ridhous; Innerteill; Curriehill; Fostersate; M^r^ P. Rollok; Merchinstoun; Sir Andro Ker; Sir Petir Young; Conservator. Acta Sept. 1617–July 1620. Fol. 175, a.

Explanation by Sir James Skene of Curriehill of the cause of his not having been present with the other Lords of Council at the Communion last Easter in the prescribed form, and denial by him of the charge of having then attended the Communion in the old fashion in a church out of Edinburgh: satisfaction of the Council with this explanation and denial, and their letter of report on the subject to his Majesty: with copy of his

Preamble as in act of 17th June (*ante*, p. 595):—"Quhilk being callit, and Sir William Oliphant of Newtoun, knycht, his Majesteis Advocat, compeirand personallie for his Majesteis entresse, and the said Sir James Skene being lykewyse personallie present, it wes ansuerit be the said Sir James that his not communicatting at Easter day last proceidit not upoun contempt or dissobedyence bot upoun the occasioun following:—to witt, that that haill weike he wes ordinair in the Utter House and reporter, and that upoun Satterday, quhilk wes the day for the sermone of preparatioun, his turne fell to be examinatour of the witnesis, and that he wes commandit and appoyntit to attend the same; quhairupoun he awaittit frome tua of the clock till sax of the cloke at nycht, and, being thairby distractit frome the service of preparatioun, he could not be prepairit to communicat upoun the morne thairefter. And, tuitching his going to ane uther kirk to communicat, he flatlie denyit the same, affermeing constantlie that he keipt his house that foirnoone, and that he come to the afternoones sermone, and that he satt in the ordinair plaice with the remanent Lordis of the Sessioun. With the quhilk ansuer the Lordis being satisfeit, thay ordane ane missive letter to be wreittin to his Majestie acquenting his Majestie with the said Sir James his answer in the mater foirsaid.—Followis the Counsallis letter to his Majestie:—Most sacred Soverane,—According to Fol. 175, b.

Acta Sept. 1617–July 1620.

your Majesteis directioun we callit befoir us Sir James Skene of Currie-hill and verrie straitlie layde to his charge his dissobedience of your Majesteis command and directioun in not communicatting with the rest of your Majesteis Counsall and Sessioun in the kirk of Edinburgh at Easter last and for going to the kirk and ressaueing the communioun after ane uther forme then wes prescryved be the actis of the last Generall Assemblie haldin at Perth, and we urged him to cleir him selff of thir poyntis upoun the perrell to be suspendit frome his plaice in Counsall and Sessioun. After that he haid utterrit his greif and sorrow for your Majesteis offence taine aganeis him in this particular, quhairof he pleadit innocent, with mony protestationis that his hairt [wes] frie frome all contempt and dissobedience of your Majestie and [that in] sinceritie of most loyall and dewytifull subjectioun he had euir preast to approve him selff your Majesteis faithfull and obedient subject, he then come to his defence aganis the lybell. And, tuiching the first poynt thairof, [of] not communicating at Easter, he ansuerit that that haill weik he w[es] ordinar in the Utter Houss and reportar, and that upoun Satterday, qu[hilk] wes the day for the sermone of preparatioun, his turne fell to be ex[aminatour] of the witnesis, and that he wes speciallie commandit and appoy[ntit to attend] the same. Whairupoun he awaitted frome tua of the clock [till sax of the] clock at nicht; and, being thairby necessairlie distractit [frome the ser]mone of preparatioun, he could not be prepairit to commun[icat upoun] the morne thairefter. And, tuiching his going to ane uther kirk [to] communicat, he flatlie denyit the same, affermeing constantlie [that] he keipt his hous that foirnoone, and that he come to the afternoones [ser]mone and satt in the ordinarie plaice with the rest of the Lordis [of] Sessioun. Quhilkis tua poyntis, to witt, of his examinatioun [of the] witnesis upoun Easter evin and comeing to the afternones s[ermone] upoun Easter day, we can all testifie to be of treuth. And so, finding no verificatioun of the informatioun gevin to your Majestie in this mater, we could proceid no forder thairintill, bot hes remittit the same to your Majesteis princelie consideratioun, humblie beseiking your Majestie not to tak in evill pairt the said Sir James his not communicatting the day foirsaid; quhilk proceidit not upoun wilfull contempt or dissobedience, bot upon the just and necessair occasioun foirsaid. And we perswade oure selffis that, as he wilbe cairfull to eschew all occasionis quhilkis may procure your Majesteis just caus of wraithe and offence againeis him, so he will haue the lyke cair to approve him selff your Majesteis faithfull and goode subject. And so, with oure humble and earnest prayeris unto God for your Majesteis lang and happie regne, we rest. Frome Halyrudhous, the 24 Junij 1619.—Followis his Majesteis letter to the Counsall anent the mater abonewrittin.—Rycht truistie and right weilbeloveit cousenis and counsalloris and right truistie and weilbeloued counsalloris, we greit yow weill. We haue receaved your letter of the four and tuenteyth of the last moneth, wherby we understoode your proceidingis with Sir James Skene and his ansueris to suche poyntis as

Majesty's reply of the 6th of July next.

Fol. 176, a.

wes layde to his charge. And, thoght upoun the first enformatioun maid to us we haid verrie grite caus of suspitioun and pregnant presumptionis against him, yett are we glaid by your reporte to understand the treuthe of his behaviour in that poynte. And, as ye haue in pairt satisfied us, so the only meane for him to gif us full satisfactioun and caus ws reteine a goode oppinioun of him is if he sall with all expeditioun at any plaice quhair the communioun sall first be celebrated receave the same kneilling. And, not doubting bot in the meanetyme he will approve his conformetie to the constitutionis in all uther poyntis, we bid yow fairweill. Gevin at our Castle of Windesoir, the sixt of Julij 1619."[1] Acta Sept. 1617–July 1620.

Order to the Earl of Caithness and Mackay of Strathnaver to desist, under pain of rebellion and further punishment, from a hunting they have appointed within the domains of the Earl of Sutherland.

"Forsamekle as the Lordis of Secreit Counsall hes ressaveit sure informatioun that George, Erll of Caithnes, and McKay of Strathnaver hes appoyntit ane solemne hunting to be keipit be thame within the boundis of Sutherland and pairtis thairabout perteyning to the Earll of Sutherland, and hes thair haill freindis, men, and tennentis under warneing and in readdynes to accompany thame to that hunting, quhairof Sir Robert Gordoun, tutour of Suthirland, apprehending just caus of suspitioun that some forder purpois is intendit be thame to the disgraice of the Erll of Sutherland in respect of the eleistis and contraverseis standing betuix thame, the said Sir Robert intendis with his best power and forceis to oppose him selff aganeis the saidis personeis and to withstand and resist thame fra hunting within the saidis boundis; betuix quhilkis pairteyis thair being already great hairt burneing, grudge, and miscontentment, some greit inconvenientis will not faill to fall oute, to the brek of his Majesteis peace and disquyetting of the countrey, without remeid be provydit: Thairfoir the saidis Lordis ordanis letteris to be direct to command, charge, and inhibite the saidis George, Erll of Caithnes, and McKay of Strathnaver that thay onnawayes presome nor tak upoun hand to hunt within the boundis of Sutherland nor in no uther pairt thairabout pertening to the said Erll of Sutherland, bot that thay use thair gayme and sport (gif so pleis thame) within thair awin boundis and forbear in ony caise to hunt in the said Erll of Sutherlandis boundis upoun quhatsumevir cullour or pretext, undeir the paine of rebellioun and putting of thame to the horne and forder punischment of thame in thair personeis at the discretioun of his Majesteis Counsall; certifieing thame and thay failyie that not only sall thay be denunceit rebellis and putt to the horne and all thair moveabill goodis escheite to his Majesteis use, bot thay salbe puneist in thair personis as contemnaris and dissobeyaris of the command and directioun of his Majesteis Counsall and as breakearis of his Majesteis peace and disturbaris of the quyet of the countrey." Fol. 176, b.

[Sederunt as recorded above.]

Halyruidhous, 22nd June 1619.

Complaint by the King's Advocate that James Ogilbie, skipper, burgess Decreta Nov. 1618–Feb. 1620. Fol. 137, b.

[1] Sir James Skene's non-conformity in the matter of kneeling at the communion was ascribed by some, Calderwood tells us (vii. 383), not to any strong Presbyterian compunctions of his own, but to the influence of his wife and her mother, both zealously Presbyterian.

Decreta Nov. 1618–Feb. 1620.

of Montrois, Johnne Gairdin, George Gilbert, James Wood, Williame Bettie, Williame Robertsone, David Dikie, Alexander Gray, and Andro Gray, all merchant burgesses of Montrois, have violated the acts and proclamations anent the homebringing and selling of tobacco.—Pursuer appearing personally, and the said George Gilbert also appearing, but the other defenders not being present, the Lords assoilzie the said George, because he has denied the charge on oath, and find each of the absentee defenders guilty of having sold ten stone weight of tobacco at 16š. the ounce, and order them to pay over the price of the said quantities to the Treasurer. They had been charged by Johnne Wobster, messenger, on 14th and 15th instant.

King's Advocate against merchants in Montrose for illegal sale of tobacco.

Fol. 138, a.

Fol. 138, b.

Complaint by Thomas Grant in Auchihengeane, and Williame Mowgache, his servitor, as follows:—James M^{c}Eane V^{c}Allaster in Auchihossane, and Johnne M^{c}Heamische V^{c}Eane V^{c}Allester, his son, who have a grudge against pursuers, with Robert Andirsoun, "walker" in Knokando, Allaster Burges in Auchnagallin, Robert M^{c}Robie V^{c}Coneill there, and Thomas M^{c}Eane V^{c}Allaster in Auchinnarrow, all armed, hid themselves on Sunday, 10th January last, on the highway between Thomas Grant's house and the kirk of Knokando, "quhair thay thocht he had bene for the tyme at the preitching." They met the said servant coming from the kirk, cruelly assaulted him, and wounded him. "And, not content thairwith, thay tirved him naiked, causit ane of thair company lift him, and the rest bryd at him with grite stuthed beltis and buckellis thairof," and thereafter "traillit" him on his back and "birsit" him with their knees.

Thomas Grant and his servant against James M^{c}Eane V^{c}Allaster and son for assault.

Fol. 139, a.

—The said Thomas Grant appearing for himself and his said servitor, and defenders not appearing, the Lords order defenders to be declared rebels.

This day appeared James Geddes of Kirkvrd, who had been charged to appear at the instance of Williame Russell, William Veitche, and Alexander Veitche in Carlopis.—The said persons not appearing, the Lords sustain the protest of the said James that the process should be stayed.

Suspension of horning against James Geddes.

Fol. 139, b.

Complaint by the King's Advocate and Alexander Weir in Newtoun that Johnne Scot in Over Mungeane, George Welsche there, James Welsche in Halkschaw, George Laidlaw there, and Waltir Welsche in Logane have carried hagbuts and pistollets since January 1618, and have on sundry occasions tried to kill pursuer "with the schote of a hagbute or pistollet."—Pursuers and defenders appearing, the Lords assoilzie defenders, because they have denied the charge on oath.

King's Advocate and Alexander Weir against John Scot and others for carrying firearms.

Fol. 140, a.

Another complaint by the said Alexander Weir as follows:—On April last pursuer, when on his way from Quhoomes kirk to his father-in-law's house in Frude, "his wyff rydand behind him," was attacked by George and James Welsche in Over Menzeane, Johnne Scot there, Waltir Welsche in Logane, and George Laidla in Halkschaw and others, all armed. They mutilated his left hand, and hurt him in other parts.—Parties appearing, the Lords find the charge proven, and order defenders to pay 100 merks to pursuer.

George and James Welsh and others fined for assault on the said Alexander Weir.

Counter-charge by the said George and James Welsh and others against the said Alexander Weir.

Complaint by the King's Advocate, and Johnne Scot in Ovir Mungeane, George Welsche, his father-in-law, there, James Welsche, his brother, Waltir Welsche in Logane, and George Laidla, herd and servitor to the said George, as follows:—On 25th April last, pursuers went to their parish kirk of Drummelzeair "to the chrystning of ane bairne of the said George Laidlayis. And efter the baptisme wes celebrat, being returning hame agane, and the said Johnne Scot haueing the young infant before him upoun the horse neck, Alexander Weir in Nethir Newtoun, bodin in feir of weir with swerd, gantillat, plaitslevis, and utheris wapponis invasive, and with ane bend pistollet in his hand, come to the said Johnne Scot, and first upbraidit him with mony injurious and reprotchfull speitcheis, and thairefter presentit the pistollet to the said Johnne Scot and fyrit and preasit to haif dischairgeit the same at him, of set purpose to have slane him; quhilk he had not faillit to have done, wer not be the prouidence of God the pistollet misgave." Defender thereupon "moirsit the said pistollet over agane," pointed it at George and Waltir Welshe and George Laidla, and then fired at James Welsche. He also assaulted them with a drawn sword.—Parties appearing, the Lords find that defender has violated the acts anent the carrying of hagbuts and pistollets, and order him to satisfy the Treasurer on that point. They assoilzie him from the other charges, because pursuers have failed to prove their case. Parties are to find lawsurety,—the said Alexander Weir in £500, and each of the others in 400 merks. Decreta Nov. 1618–Feb. 1620. Fol. 140, b. Fol. 141, a. Fol. 141, b.

Two guns to be kept in the ship *Charles*.

"Ane act ordaning tua of the smallest peeceis of ordinance being in his Majesteis ship and ten muscattis to be keept still within hir" (see later entry on this page). Sederunts. Fol. 39, a.

College and Hospital of Aberdeen.

"Ane commissioun for visitatioun of the Colledge and Hospitaill of Abirdeene (*ante*, p. 547).

Halyrudhous, 24th June 1619.[1]

Sederunt — Lotheane; Melros; Carnegy; Master of Elphinstoun; Treasurer-Depute; Clerk of Register; Advocate; Kilsayth; Bruntyland; Reidhous; Medop; Innerteill; Curriehill; Merchinstoun; Fostersait; M^r^ P. Rollok; Sir Andro Ker; Sir P. Young; Conservator. Acta Sept. 1617–July 1620. Fol. 176, b.

Order for the keeping of two small pieces of ordnance, with ten muskets and some ammunition, in the King's ship *The Charles*.

"Forsamekle as, althoght be ane act and ordinance of Secreit Counsall, beareing date the day of Junij instant, Sir Gedeone Murray of Elibank, knycht, Deputie-Thesaurair, wes ordaneit to caus the haill artaillerie, munitioun, and furnitur for wear being in his Majesteis ship callit *The Charles* to be tane oute of hir and to be put in the Castell of Edinburgh, thair to be keipit and to be alwayes in reddynes for the service of the schip as the necessitie and occasioun sall requyre (*ante*, p. 593), nevir-

[1] On the preceding day a new royal warrant had arrived for the search of some houses in Edinburgh for copies of Calderwood's *Perth Assembly*.

Acta Sept. 1617–July 1620.

theles the Lordis of Secreit Counsall finding it nawayes meete nor expedient that the said ship salbe maid altogidder emptie of hir munitioun and furnitour for weare, bot that some small portioun salbe left in hir quhairthrow scho may be the moir able to withstand any suddane or secreit teise that salbe intendit agaueis hir: Thairfoir the Lordis

Fol. 177, a.

ordanis the said Sir Gedeone Murray to leave within the said ship twa of the smallest pecceis of hir ordinance and ten muscattis, with some few bullettis ansuerable thairto, and a litill quantitie of poulder, yf ony be within the schip. For doing quhairof the extract of thir presentis salbe unto the said Sir Gedeone a warrand."

Order for the manning of the said ship *The Charles* for a voyage to Orkney and Shetland.

"Forsamekle as his Majesteis ship callit *The Charles* presentlie lyand in the roade of Leythe is to be directit towardis Orkney and Zetland for some speciall occasionis of his Majesteis affairis and service with all convenient expeditioun, quhairfoir necessair it is that scho be weill provydit with a sufficient nomeber of expert and skilled marinaris to attend and serve hir; for quhilk purpois the Lordis of Secreit Counsall gives and grantis power warrand and commissioun be thir presentis to Sir James Weymes of Bogy, Admirall-Depute, to deale with suche marinaris as he sall think mete to imbraice his Majesteis service in the said schip upoun suche reassonabill conditionis as he can aggrie with thame, and, in caice of thair refuisall to serve his Majestie in the said schip, with power to him to presse thame. For doing quhairof thir presentis salbe his warrand."

Order to Captain Murray to have the said ship ready to go to Orkney to crave his Majesty's assize from the Dutch fishing fleet.

"The quhilk day intimatioun wes maid to Capitane Murray, capitane of his Majesteis schip callit *The Charles*, that with all convenient expeditioun he putt his schip in goode equipage with men and victuallis, and have hir readie to go to the sea towardis the Holland flott for craveing of his Majesteis assyse dewytie. Quhilk the said capitane, being personallie present, promeist to do, and to haif his ship in reddynes betuix and the first of Julij nixt" (*ante*, pp. 462, 46, also pp. 605–7, 608).

Decreta Nov. 1618–Feb. 1620. Fol. 141, b.

[Sederunt as recorded above.]

Halyruid-house, 24th June 1619. Petition of the Provost and Bailies of Haddington that, their burgh having been long put to expense by having no resident hangman, they may be allowed to accept the offer of one Elliott, then in their tolbooth on a charge of sheepstealing, to avoid his trial for that offence by

Petition by the provost and bailies of the burgh of Haddingtoun as follows:—Petitioners "hes bene destitute of a lockman and executionair with[in] the burgh of Haddingtoun this long tyme, sua that thairby, quhen ony malefactour is convict and condempnit to the death within the said burgh, thay are put to verie grite trouble and fascherie before thay can get ane executioner to execute the sentence and dome of death upoun the saidis malefactouris. And now laitlie Ellot, a theiff, haveing stollin the nomber of ten scheip frome Sir Richard Cokburne of Clerkingtoun, knicht, Lord Prevey Seale, and being for that cryme apprehendit and presentit unto the saidis supplicantis, thay have commitit him to prisone within the tolbuith of the burgh of Haddingtoun, quhair he now presentlie remains. And he, undirstanding that the saidis supplicantis

undertaking the vacant office.

wantis ane executioner within the said burgh, hes verie willinglie offerit him selff reddie, contentit, and willing to undirtak that chairge for preservatioun of his awne lyff. And, the saidis supplicantis being willing to accept of him for that effect, in respect thay stand in so grite necessitie of ane for that place, as thay can not without dainger be law do the same, so is it verie expedient in regaird of the necessitie foirsaid that warrand be exped unto the saidis supplicantis dispenseing with thame for not putting of him to ane assyse for the cryme foirsaid, and exonering thame of all pane and cryme [quhilk] can be objectit aganis thame throw his eschaip frome thame, in caise it sall so fall furth that he, being once maid executioner within the burgh of Haddingtoun, sall at ony tyme thairefter brek away frome the saidis supplicantis and leave his office foirsaid." —The Lords grant the petition and exoner petitioners from all skaith. Decreta Nov. 1618–Feb. 1620. Fol. 142, a.

Licence to Lord Kinclevin for the making of new kinds of pottery, pipes, &c.

Licence for a letter under the Great Seal, signed by the Chancellor, Lotheane, Melrois, Carnegy, Master of Elphingstoun, Sir George Hay, Kilsayth, and Hammiltoun, is given to Johne, Lord Kinclevin, his heirs, and assignees, "secluding all utheris," to make "all sorte of earthin vessellis and wark of clay, tyill, marrill, not heirtofoir practiseit within this kingdome, and to dispone thairupoun ather in or without the said realme." His Majesty is desirous that the work "be practised within the said kingdome, that thairby his Hienes subjectis may be employed in work, and that money be not transportit furth of this kingdome for buying of suche wairis abroade." The grant is made because "his said traist cousigne is to undergo the first adventure of the said wark for inbringing of workmen within the said kingdome, quhilk wilbe verrie chargabill and expensive to him and proffitable to the countrey." This licence will not bar any from the making of earthenware "that they have beine accustomat and in use to mak at any tyme bygane," but opposition to the tenour of this licence will be punished by confiscation of the offenders' "haill veschellis, tobacco pypis, and utheris" (*Cf. ante*, p. 584). Commissions. Fol. 82, a.

Commission for the trial of James Robertson for murder.

Commission under the Signet, signed by the Chancellor, Lotheane, Melros, Hammyltoun, George Hay, and Kilsythe, is given to James, Lord Ogilbie of Airlie, bailie principal of the lordship of Coupar, and his deputes, to try James Robertsoun, mason, servitor to George Thomsoun, mason in Dundie, for the murder of James Hynd in Coupar of Angus. Fol. 82, b.

Missives to the King.

"Tua missives to his Majestie, one concerning Sir James Skeene [*ante*, p. 598], and ane other anent the schireffshippis being in his Majesteis handis." Sederunts. Fol. 39, a.

25th June 1619. Caution for two persons in Kintore.

Registration by M^r^ Mathew Forsyth, advocate, of act of caution by Arthoure Chalmer of Colliehill for Andro Chalmer, burgess of Kintor, and William Chalmer, his son, not to molest Williame Andirsoun in Fullertoun, or his family and servants. Cautions 1619. Fol. 17, b.

26th June 1619. Caution for Peter Rae in Annan.

Registration by Adam Cunynghame, advocate, of act of caution by Johnne Richartsoun, younger, burgess of Dumfreis, for Sir Petir Rae in Annand, not to molest Fergus Grahame of Blawcatwood. Fol. 18, a.

Acta Sept. 1617–July 1620. Fol. 177, a.

Sederunt—Chancellor; Treasurer; Glasgow; Lotheane; Melros; Lauderdaill; Cranstoun; Master of Elphingstoun; Privy Seal; Treasurer-Depute; Clerk of Register; Advocate; Kilsayth; Medop; Ridhous; Curryhill; Innerteill; Fostersaitt; Sir Andro Ker; Sir Peter Young; M^r^ P. Rollok; Conservator. Halyrudhous, 29th June 1619.[1]

Appointment of Mr. John Fenton to be his Majesty's Commissioner for going to the North Seas to demand his Majesty's dues from the Dutch and other foreign vessels engaged in the fishing there, and of Mr. James Brown to accompany him as notary for his proceedings.

"The quhilk day the Lordis of Secreit Counsall nominat and maid choise of M^r^ Johnne Fentoun to be his Majesteis commissionar for the craveing of his Majesteis rent of assyse and teynd frome the Hollanderis and utheris strangeris fisching in his Majesteis seas; and siclyk thay maid choise of M^r^ James Broun to go with the said M^r^ Johnne Fentoun as notar for gifing unto him instrumentis upoun the obedience or refuisall Fol. 177, b. of the saidis strangeris to pay his Majesteis said rent; and ordaneit ane commissioun and instructionis to be past and exped to the said M^r^ Johnne Fentoun. Off the quhilkis the tennour followis.—Our Souerane Lord ordanis ane commissioun to be maid and exped under the Greit Seill in dew forme, makand and constitutand his lovitt, Maister Johnne Fentoun, his Majesteis commissionar in that pairt to the effect underwrittin, giveand, grantand, and committand to him full power, commissioun, expres bidding and charge to repair and address him selff to the North Seas of this his Majesteis kingdome, and thair in his Majesteis name to ask, crave, ressave, intromet with, and uplift frome these of Holland, Zeland, Hameburg, Enebden, and Rustok, and frome all utheris strangearis haunting the trade of fisching in his Majesteis saidis seas this present yeir, his Majesteis rent of assyse and teynd of the haill fischeis tane or to be tane be thame in his Majesteis saidis seas and watteris this present yeir, compting his Majesteis assyse dewytie to ten thowsand herring for every busche of herring and a last of quhyte fische for every busche of quhyte fische, or els to ressave frome thame the sowme of sax pundis xiij ß. iiij đ. usuall money of this kingdome for every thowsand of the said assyse herring, and fiftie pundis money of this kingdome for euerie last of the assyse quhyte fische, and accordinglie for euerie thowsand of teynd herring and for every last of the teynd quhyte fische at the optioun of the payeris; acquittanceis and dischargeis upoun his ressett to mak, gif, subcryve, and delyver, quhilk salbe als goode, valide, and sufficient as gif the samyn wer maid and givin be his Majesteis comptrollaris or ordinar ressauearis of his Majesteis rentis; and generallie all and sindrie utheris thingis to do and use quhilkis for executioun of this

[1] This day there came to Edinburgh a royal order reconstituting the Court of High Commission in more ample form than before. The document is given in full by Calderwood (vii. 384–388); and it is necessary to note here only that, while the composition of the Commission was very much as heretofore,—the two Archbishops named at the head of it, and other councillors, nobles, prelates, lairds, doctors, and ministers, to the number of fifty-three, named after these,—special powers were given to the Court, of which five were to be a quorum, to deal with such new ecclesiastical offences as should consist in clerical opposition to the Five Articles of Perth or in the writing and circulation of books and pamphlets against those Articles.

commissioun ar requisite and necessair; ferme and stable halding and for to hald all and quhatsumeuir thingis salbe lauchfullie doun heirin; and that the said commissioun be extendit in the best forme with all clausis neidfull, and that thir presentis be a warrand [to pas] the Great Seall without ony forder preceptis to be direct thairupoun. Gevin at Halyrudhous, the penult day of Junij, the yeir of God j^{m}vj^{c} and nynteine yeiris." Acta Sept. 1617–July 1620.

Instructions to the said Mr. John Fenton for his conduct in the said business.

"Instructionis givin be the Lordis of Secreit Counsall to M^{r} Johnne Fentoun, his Majesteis commissionar, who is directit to demand his Majesteis rent of assyse and teynd frome these of Holland, Zeland, Hambruch, Ambden, Rustock, and all utheris strangeris haunting the trade of fisching in his Majesteis seas du[ring] this present yeir.[1]

"In the first, yow sall prepair your selff and mak yow red[die in] goode and comelie ordour and equippage and with all possibill [haist] to go in his Majesteis schip callit *The Charles*, quhairof David Mu[rray is] capitane and commander, towardis the North Seas of this king[dome], quhair the Hollanderis and utheris strangeris hes thair fisching: [And] at your arryveall thair yow salbe cairfull to inquyre and informe yourselff of the names [of the admirallis and vice-admirallis attending the flott, and of] Fol. 184, a. the names of thair schippis, of quhat townes and provinceis thay ar, and quhat nomber of wauchteris and buscheis is sent oute be every towne, [province and estate] to attend thair fischeing.

"Yow sall be vertew of your commissioun, and attending to the tennour thairof, demand frome the saidis admirallis, and, incaice of thair absence, frome the vice-admirallis, and frome tua or thrie of the waughteris and busches of every estate, his Majesteis rent of assyse and teynd specifeit and contenit in your commissioun for the haill fischeis tane and slayne be thame in his Majesteis watteris and seas this yeir. And yow sall use this requisitioun and demand in fair and gentill termes and with modestie and discretioun.

"Yf thay contravert with yow anent the quantitie of this dewytie, yow sall not dispute that poynt with thame, bot, if they mak offer of ane smaller dewytie, althoght it wer bot ane angell for every busche overhead, yow sall accept of thair offer.

"Yf thay sall mak offer of the fische outher for the teynd or assyse, yow sall accept of thame, and, gif yow find ony countrey vessellis or boittis thair, yow sall send for thame and putt the fische in thame.

"Yf they gif unto yow a delaying answer and crave tyme and laiser to send to thair superiouris to be advyseit with thame, yow sall accompt of thair delay as ane refuisall, and accordinglie accept sua of it.

"Yf it be objectit unto yow that all the busches ar not of a lyke burdeyne, and that consequentlie thay aucht not to pay a lyke dewytie for assise and teynd, yow sall in this caise gif defalcatioun to the smaller busches according to your discretioun and be the aduyse of the admirallis, gif thay will concur with yow in that earand; provydeing alwayes that the

[1] Another copy is entered on Fol. 85, a. of the *Book of Commissions*.

Acta Sept. 1617-July 1620.

smallest dewytie to be taine be yow for every busche be not within ane angell.

"Yf the admirallis or vice-admirallis for every toun, estate, or province will aggrie with yow for the haill busches under thair charge, yow sall aggrie with thame and gif unto thame acquittanceis in name of the haill that thay tak burdeyne for; bot, yf thay remitt yow to deale with every busche apairt, yow sall do the same and gif acquettanceis accordinglie.

"Yf refuisall salbe maid unto yow of his Majesteis rent and dewytie, yow sall tak instrumentis upoun the said refuisall without forder contestatioun; and, gif obedience be givin and payment accordinglie maid, yow sall lykwayse tak instrumentis thairupoun.

"Yow sall informe the saidis admirallis, and, incaice of thair absence, the saidis vice-admirallis, of the complaint maid to his Majesteis Counsall be his Majesteis subjectis of Zetland anent the greit oppressioun committit upoun thame be divers personis of the floitt who comes aschoir upoun thair illis of Halff Grunay, Wedderholme, South Grunay, and Lungya, and
Fol. 184, b. upoun divers utheris [pairtis of the countrey, quhair they not only enter in kirkis, dimolischeis and brekis doun the daskis and seattis within the same and schamefullie abuses the same, to the offence and dishonour of God, bot with] that thay spoyle the countrey people of thair scheip, geis, [hennis, eggis], and suche uther commoditeyis as they find upoun the ground, and sum[tymes invaidis] and persewis thame of thair lyveis; and thairfoir yow sall crave [redres and] reparatioun to be maid for thir wrangis [and] that the [lyke be forborne] in all tyme coming.—Followis his Majesteis missive letter for warrand of the commissioun abonewrittin. —Right trustie and right weilbeloveit cousenes and counsalloris, we greit yow weill. It is not onknawin to yow that the last yeir . . yow dispatched a schip to our North Seas to have craued our deweteis of the Hollanderis fisching ther, bot the yeir wes so far spent befoir we sent directioun to yow that befoir the arryvell of the said ship at the place appoynted the Hollanderis were all gone. And now, for divers imper-[ative] reassonis finding it requisite that our said dewyteis should still be craved of thame, wee have thoght goode by these presentis to will and requyre yow with convenient expeditioun to dispatche some schip to our afoirsaid seas, and in hir some discreite persone who in fair termes may requyre oure dewyteis of the said Hollanderis and reporte thair ansuer. And heirof willing yow to haue a speciall cair, least the fault of not obteneing our desyre may be imputed to our or your negligence, wee bid yow fairweill. Givin at our Mannour of Greinewich, the 16th of June 1619."[1]

[1] There can be little doubt that the Mr. John Fenton selected for the important service described in these documents was "the worthy gentleman named Master John Fenton" whom Taylor the Water Poet mentions in his *Pennyless Pilgrimage* as having shown him kindness in his passing through Fifeshire on his way from Edinburgh to the Highlands. One notes also that Ben Jonson, writing from London to Drummond of Hawthornden on the 10th of May 1619, desires to be specially remembered to "the beloved Fentons," as among those whose hospitalities, as well as Drummond's own, he had experienced when he was near Edinburgh.

[Sederunt as recorded above, with the omission of *Lauderdaill.*] Decreta Nov. 1618–Feb. 1620.

Halyruid-house, 29th June 1619. Caption against Sir Thomas Kirkpatrick of Closeburn for debt to Bryce Semple.

Complaint by Bryce Semple of Boighauche that Sir Thomas Kirkpatrik of Cloisburne, knight, remains unrelaxed from a horning of 29th May last for not paying 2000 merks of principal and £20 of expenses.— Pursuer appearing by Alexander Douglas, macer, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 142, a. Fol. 142, b.

Caption against Robert Galbraith for debt.

Complaint by Johnne Layng, maltman, and Johnne Adamesoun, notary, burgesses of Striueling, masters of the hospital thereof, that Robert Galbraith of Culcreuche remains unrelaxed from a horning of 21st May 1618 for not paying 400 merks of principal and £40 of expenses.—Pursuers appearing by M^r^ Johnne Cunyngham of Boquhen, and defender not appearing, order is given as above. Fol. 143, a.

Caption against Inglis of Auldliston for debt.

Complaint by James Aikman, merchant burgess of Edinburgh, that Thomas Inglis of Auldlistoun remains unrelaxed from a horning of 4th June for not paying £424 of principal and 100 merks of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, order is given as above. Fol. 143, b.

James Rioch committed to the "thieves' hole" in Edinburgh, at the suit of Thomas and John Grant, as the real criminal in a case in which they have been falsely accused.

Complaint by Thomas Grant of Cardaillis as follows:—"It is not unknawin to the Lordis of Preuey Counsaill quhat grite trowble he and Johnne Grant, his sone, sustenit this half yeir bigane upoun occasioun of the murthoure of umquhile Sandiesoun, quhat havie sclander thay have undirlyne for that caus upoun the beare and naiked informatioun and assertioun of a suborned and perjured cative, now prisoner in the Tolbooth of Edinburgh: quhilk trouble thay haif patientlie underlyne and sustenit till it hes pleasit God, who is the detector and reviler of suche detestable murthouris, to bring that mater to licht by the apprehensioun of James Rioch, who wes the committair of that murthour and hes confest the same. And, he being presentlie in the handis and keiping of Patrik Grant of Ballindallache, the said Patrik onnawyse will exhibite him before the saidis Lordis to the effect ordoure may be tane for his examinatioun, tryall, and punischement, without he be compellit."—Pursuer appearing, and the laird of Ballindalloche also appearing and exhibiting the said James Rioche, and the said James having confessed "that he wes present and upoun the ground with his umquhile brother at the committing of the said murthour," the Lords order him to be committed to ward within the "thevis hole of Edinburgh," and to remain there at his own expense till further order be taken with him. Fol. 144, a.

Commission to Mr. John Fenton for his voyage into the North Seas on the King's business.

Order, signed by the Chancellor, Mar, Melros, R. Cokburne, George Hay, and Sir Gedeone Murray, is given for the issue of a commission under the Great Seal in favour M^r^ Johnne Fentoun, "to repair and addresse him selff to the North Seas of this his Majesteis kingdome, and thair in his Majesteis name to ask, crave, ressave, intromett with, and uplift frome those of Holland, Zeland, Hameburgh, Enebdene, and Rustok, Commissions. Fol. 84, a.

Commissions. and frome all utheris strangeris haunting the trade of fisching in his Majesteis saidis seas this present yeir, his Majesteis rent of assise and teynd of the haill fisches taine or to be taine be thame in his Majesteis saidis seas and wateris this present yeir, compting his Majesteis assise dewytie to ten thowsand herring for every busche of herring and a last of quhyte fische for every busche of quhyte fische, or els to ressave frome thame the sowme [of] sax pundis xiij ʃ. iiij ₰. usuall money of this kingdome for everie thowsand of the said assyse herring and fiftie pundis money of this kingdome for every last of the said assise of quhyte fische, and accordinglie for everie thowsand of teynd herring and for everie last of teynd quhyte fische, at the optioun of the payairis" (*ante* p. 605).

Sederunts. Fol. 39, b. "Missives to the presbiteryis of Hadingtoun, Dunbar, Duns, and Chirnesyde, and to the justiceis of peace within the constabularie of Hadingtoun and the Mers anent the brig of Lintoun." Missives anent the bridge of Linton.

Cautions. Fol. 18, a. Caution by Alexander Wentoun, burgess of Newburgh, for and Johnne Ramsay of Pittauchop to appear before the Council. Caution for John Ramsay

Caution for Richard Lawder and Adam Lamb. [*Illegible.*] Caution.

Commissions. Fol. 84, b. Commission under the Signet, signed by the Chancellor, Mar, Melros, R. Cokburne, George Hay, and Sir Gedeone Murray, is given to James, Earl of Glencairne, to try Malcome McFarlane, son of Johnne McFarlane of Pulchro, "a commoun and notorious theiff, murtherair, and oppressour," who, after being declared fugitive and rebel, has lately been apprehended. 30th June 1619. Commission for the trial of Malcolm Macfarlane.

Minute Book of Processes. The *Minute Book of Processes* gives the following memoranda collectively for June 1619:—

Diligence: Alexander Barcley against Johnne Rosse.

Letteris: Agnes Henderson against baylie of Haddingtoun for not incarcerating Dam Mary Whytlaw.

Rebellion: Thesaurer-Depute against Earle of Cathnes and utheris.

Letteris: Advocatt against importeris of tobbaco.

Letteris: Patrik Morison against the Duke of Lennox for exhibiting of Walter McFarlan, &c., rebellis.

Rebellion: Helen Ellott against Hectour Turnbull.

Oppression: Lord Fraser against Robert Monro.

Rebellion: Johnne Murray against Sir Johnne Ker.

Petition: Reddick of Chaipeltoun against Robert and Charles Murrayis, Gentilmen of the Guard, for permitting Reddik of Dalbeatie to eschap after he wes apprehended be them.

Ryott: Alexander Person against William Borthwik.

Letteris: Advocatt against importeris of tobbacco.

Letteris: Alexander Murray against William Broun for vitiating of letteris of lawburrowes.

Act: Jonstoun of Wamfrey against Jonstoun his brother, to appear.

Rebellioun: Johnne Jonstoun against Captane James Jonstoun.

Minute Book of Processes.

Imprisonment: Homer Maxwell against Magistratis of Drumfreis.
Ryott: Mr Patrik Sheaves against Edward Maxwell.
Act upon the exhibitioun of Johnne Pringill of Kirkham.
Imprisonment: Margaret Cowan against the baylie of Bruchtoun.
Ryott: Gilbert Mulligan against James Kilpatrik.
Ryott and wearing pistolletis: Gordon against Meldrum, &c.
Ryott: Jonet Cook against Thomas Lourie.
Letteris for wearing pistolletis: Advocat against Andro Meldrum.
Deforcment: Mr Robert Auchinmowtie against James Ramsey.
Rebellion: Jonet Drummond against Johnne Jardin.
Circumventione and oppression: Ninian Thomson against Hamiltoun.
Ryott: Moffatt against Jonstoun.
Oppression: Jonstoun against Charteris of Aimasfeild [*et*] *e contra.*
Letteris: Lord Gordon against Sir Lauchlan McIntosh to exhibit Ramsey, &c.
Rebellion: Gilbert Acheson against Johnne Wishart.
Suspensioun: David and Andro Mallochs against Mr Alexander Bruce.
Suspensioun: Gilbert Baird against Alexander Barcley.
Ryott: Johnne Scott against Alexander Weir.
Ryott: Thomas Grant against Johnne McEan VicAllaster, &c.
Letteris: Advocat against importeris of tobbaco.
Letteris for wearing pistolletis: Advocat against Johnne Scott, &c.
Ryott: Alexander Weir against Georg Welsh.
Ryott: Nicoll Dewar against James Huchoue.
Supplication: Magistratis of Haddingtoun to dispense with the assyse of Ellott, theiff, seing he is content to be ane executioner for the toune.
Rebellion: Bryce Sempill against Sir Thomas Kirkpatrik.
Rebellion: James Aikman against Thomas Inglis.
Rebellion: Johnne Layng against Robert Galbraith.
Letteris: Falconer of Innerlochtie against Grant of Cardaillis, to exhibit Reoch befor the Counsell.
Horning: Alexander Barcley against Johnne Rosse.

MISCELLANEOUS PRIVY COUNCIL PAPERS.

A.D. JAN. 1617—JUN. 1619.

PRIVY COUNCIL PAPERS.

1. "My Lords of Secrett Counsall, unto your Lordschipis humble meanis and schawis we your Lordschipis puir servitoris Gawin Ewart and Robert Dawidsone, Inglischmen, that, quhair we have bein detenit in prissone thir auchtein oulkis bygane, lying nycht and day in ironis, and quhairas it pleassit your Lordschipis (of lait) to decreit letteris for summoning of the Guidman of Goudelandis pairtie to heir and sie ws put to libertie, or els to schaw a caus quhy, trew it is that we ar inocent of any thing that he can lay to our chairge and ar content to abyde tryall, quhilk we have offerit to the said Guidman of Goudelandis oft and divers tymes; notwithstanding quhairof he refuissis ather to try ws or to caus set ws to libertie, nather give ws any meanis to leive upon, we being puir strangeris, bot is of mynd to starve ws heir in prissone, as we will not faill to do without your Lordschipis provyde remeid: Heirfoir we maist humble beseek your Lordschipis for Godis caus to pittie our miserable estait and caus give ws sum alloweance duiring the tyme of our imprissonment, wtherwayes that command may be gevin to the Proveist and Bailyeis of Edinburgh to put ws to libertie. And your Lordschipis ansuer humble we beseek." *On the back*—"The Lordis allowis to every ane of thir supplicantis v ß. in the day sen the xxiij day of December last, to be payit be his Majesteis Thesaurair and Thesaurair Depute. AL: *Cancellarius.*" —(See *ante*, p. 305).

Edinburgh, 8th January 1617. Petition to the Council by Gavin Ewart and Robert Davidson, Englishmen.

2. Original of commission of justiciary within the bounds of Sagadall, granted to James, Marquis of Hamiltoun, and his bailies: printed *ante*, p. 19.—Cachet; Signet; Signatures of the Chancellor, Mar, Sanctandrois, James, Bishop of Glasgow, and Tullibardine. *On the back*—"Apud Edinburgh, xxiij Januarij 1617. Red, past, and allowit in Counsell. J. PRYMROIS.—Apud Edinburgh, xxv Januarij 1616 [1617]. Presentit and registrat in the register of the court. Signet be me, Robert Rawsoun, writer and keipar thairoff. R. RAWSOUN."

Edinburgh, 23rd January 1617. Original of Commission to the Marquis of Hamilton.

3. Royal Letter, ordering the relief of the Earl of Errol: printed *ante*, p. 105.

Aske, 16th April 1617. Original of Royal Letter.

4. "We, the cordinaris and handleris not only of ane great pairt of the ledder maid within this kingdome bot lykewayis of bringing home of the

Edinburgh, 27th June (?) 1617.

Complaint by the Cordiners of Edinburgh of the insufficient barking of leather, with petition for an Act to remedy that evil.

samen frome forrane pairtis, duelling in Edinburgh, haveing now efter long prwiff and tryell considderit the great abuis offerit heirtofore be the barkaris of ledder within this cuntrie, and that moir to the greit hurt of the leidges in generall as to ws of oure treadis in particular, as may weill appeir to yowr honoris, quhilk growes by drawing of thair ledder furth of thair bark pottis befoir the halff tyme expyre that sould bring the strenth of the bark to the full perfectioun, and carying it away weit, raw, stinking, and undressit to the mercat for present seale, and being bocht efter this maner no man is abill to decerne of the sufficient barking thairof, far les to mak any guid work ather in show or substance of the samen, as the ewill wearing thairof witnesis to the best and greatest sort of the leidges within the realme, spending by this thair often returning of ledder not only ten tymes moir bark yeirlie nor is requisite, bot lykewayis by this thair unnecessare abuis hes exhaustit the greatest pairt of the woddis within the kingdome, in forceing ws evir that ar puir treaddismen to bring oure ledder for the most pairt frome Londoun, quhair it is often tymes seasit upoun to oure utter undoing, having transgressit your statutis prohibiting transportatioun thairof. Oure humbill suit heirfore is, according to the lovable ordour observit not only in the rest of his Majesteis dominionis bot in all cuntreis quhatsumever, that all barkaris of ledder within this realme may be injoynit to latt thair ledder ly in the bark pottis to the full tyme, that it receave the strenth of the bark, and thairefter to bring it sufficientlie dryit to the mercat, according to the custome of all uther pairtis quhairsoever, as said is: so sall the sufficiencie of barking not only be easselie decernit, the rawnes, filthie, and stinking handling thairof awoydit, the wooddis, being ane of the ornamentis and commoditeis of the cuntry, preservit, our puir tread be finding and bying owre awin ledder at home (quhilk heirtofore hes undone ws) inlargit, bot with this the most of all the leidges in generall bothe for the moir chepe and profitable weare better furnischit;—for, having oure awin hydis efter this ordour barkit and handlit, we sall not only be inabillit to mak a great deall moir, chepper, and better work thairof, bot lykwayis salbe fund to prove more profitable for weareing. And, albeit the airt of barking is in it selff in uther cuntreis ane frie tread evir admitting prenteissis . . . of dyvers yeiris . . ayis not permittit, bot heir be the contrair everi[e] . . . . [m]akis it hes tread . . . hes bene the mother of this continuall corruptioun . . . of the res . . . . . without it sheme guid to yowr honoris . . . . . crave that . . . . . , and for the better obser[vatioun] . . . intreatte that yowr honoris wald be pleasit to caus mak ane [act] . . . . . the setting downe of ane certane ordour for tryall of the sufficiencie . . . . ledder and making the samen sufficient wair to the right honorabill Pre[vie Counsaill], that they caus put the samen to dew executioun; without the quhilk we sall [not] be abill nather to serve the

Miscellaneous Papers.

cuntry with sufficient geir nor frie oure selffis of the d[eadlie] harme receavit of oure nichtbour country for transportatioun, as said is. —Alexander Crawfurd.[1] Angus Cleland.[1] Matthew Crawfurd.[1]" *At the foot*—"This is a supplicatioun gevin in be the cordinaris craving ane act to be made for the better barking of leather and the executioun of the said act to be remitted to his Majesteis Previe Counsell.—George Hay.[1]"—"27 Jun.(?) 1617.—The Lordis gevis commissioun to the Previe Counsell to tak ordour heiranent as thai think maist expedient." *On the back*—"Cordinaris. Leiff roome for this."

Edinburgh, 18th July 1617. Petition of the Provost and Bailies of Edinburgh that Mr. John Bell, minister of Glasgow, whom they have elected to be one of the ministers of Edinburgh, in conformity with powers given them by his Majesty, but who refuses to accept the charge, may be compelled to do so.

5. "My Lordis of Secreit Counsaill unto your Lordschipis humelie menis and shewis we your seruitouris the Provest and Bailleis of Edinburgh that, wher the Kingis Majestie haveing gevin unto ws in lyte foure personis of the ministerie, to the effect we mycht mak choise of ane of thame for the charge of the ministerie in ane of the voyd placeis of our kirk, and the saidis foure personis according to the directioun of the Commissionaris of the Generall Assembley haveing preicheit in our kirkis and being hard be the congregatioun thairof, and we and our Counsell and Sessioun of our kirkis haveing considderit the doctrine of the saidis foure personis, we haif maid choise of M^r^ Johnne Bell, minister of Glasgw, ane of the personis contenit in the saidis lytis, to be our minister, and reportit our opinioun and ansuer thairanent to the saidis Commissionaris, who wer convenit for the tyme at Haliruidhous upoun the xxiiij day of Junij last. Quhairupoun the saidis Commissionaris gaif strait charge and directioun to the said M^r^ Johnne to accept upoun him a burdyne and charge of the ministerie of our burgh, and appointit some of thair awne nomber to be present heir at Edinburgh upoun the xxiij day of Julij instant and thair to admitt the said M^r^ Johnne conforme to the ordour of the Kirk, as ane act and ordinance of the saidis Commissionaris maid thairanent, heir present to shaw, beiris. And, albeit we have eirnestlie delt and travellit with the said M^r^ Johnne to accept upoun him the charge foirsaid conforme to the ordinance and directioun of the saidis Commissionaris proceiding upoun our chose and nominatioun as said is, neuirtheles he refuisis and on nawise will repair to our burgh and accept the said office of the ministerie upoun him without he be compellit. Heirfoir we beseik your Lordschippis that we may haif letteris direct chargeing the said M^r^ Johnne Bell to resoirt and repair to our burgh in dew and lauchfull tyme after the said xxiiij day of Julij instant, and thair to accept upoun him the charge of a minister amang ws, conforme to the act and ordinance of the saidis Commissionaris, under the pane of rebellioun &c., with certificatioun to him and he failyee, the said day being bipast, letteris salbe direct *simpliciter* to denunce him rebell &c." *On the back*—"*Apud Edinburgh, xviij die mensis Julij* 1617. *Fiat ut petitur.* J. BALMERINO."

[1] Signatures.

Edinburgh, 25th November 1617.
Acquittance to the Clerk of Council by Patrick Walker for John and Thomas Heriot.

6. Acknowledgment by Patrik Walker, pewterer, burgess of Edinburgh, of the receipt from James Prymrois, Clerk of the Privy Council, in name of Johnne Hereot in Clokmylne, and Thomas Hereot, his son, of the sum of £40, in satisfaction of the hurt done to the said Patrik by the said persons. At Edinburgh, 25 November 1617, before Johnne Young, sheriff-clerk of Edinburgh, George Gledstanes, pewterer, and George Wadie, skinner, burgess of Edinburgh, witnesses. *Signatures.*

Edinburgh, 1st January 1618.
Petition of Harry Duncan for his release from the Tolbooth.

7. Petition to the Lords of Privy Council by Harie Duncane for release from the Tolbooth where he has been detained "this long tyme bigane," first "fast in the yrnis" and thereafter "in closse waird within the yrne house," for "some pointis of oppressioun" against Mr Petir Kennovie of . He cannot find caution, but is willing to give his band for Mr Peter's indemnity. He prays that the Magistrates of Edinburgh be ordered to release him on this condition. On the back—"*Fiat ut petitur.* Sir J. Skene." (See *ante*, p. 292.)

Edinburgh, 2nd January 1618.
Petition by Patrick Farquhar, burgess of Aberdeen, for his release from imprisonment in consequence of a horning for debt.

8. Petition to the Lords of Privy Council by Patrik Ferquhair, burgess of Abirdeene, as follows:—On 25th December last, pursuer was apprehended, in the dwelling house of Katherine Hunter, relict of Walter Meluill, burgess of Abirdeene, by Richard Grahame of Ovir Cragye, accompanied by Robert Mersair, messenger, Gilbert Keyth of Auchneis, Thomas Forsyth, and others, all armed, and detained in a chamber there, under guard by night and day, till 28th (?) December. He was removed by them at 10 o'clock at night on the 28th (?), and has since then been kept "in strait firmance and captiuetie" as if he wer "a notable malefactour." If the said parties make reference to a horning executed against him at the instance of the said Richard Grahame, and Helene Keyth, his spouse, for not paying 10 bolls of victual, half meal half bear, petitioner reminds them that he purchased a suspension of the same "lang before that unlawfull taking," though it is "yit in dependance undiscussit." Petitioner delivered an authentic copy to the said Richard, but it was not acknowledged. It is craved that the said persons be ordered to appear and hear order for putting him to liberty. On the back—"*Fiat ut petitur.* P. Rollok."

Edinburgh, 3rd January 1618.
Petition by John Andrew, burgess of Perth.

9. Petition by Johnne Andro, tailor, burgess of Perth. He has been unlawfully detained by the bailies of the said burgh in the tolbooth of Perth since December last, and craves the Lords to order the said magistrates to appear before them and to exhibit him before them. On the back—"*Fiat ut petitur.* P. Rollok."

Edinburgh, 8th January 1618.
Petition by Robert Home in Leith for

10. Petition to the Lords of Council by Robert Home, indweller in Leyth. On 25th April 1616 George Haliburton of was denounced rebel at the instance of Mr Walter Scot, minister at Cassiltoun, for not paying to him, as assignee of Gilbert Ellot of Stobbis,

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the sum of 2000 merks of principal and 100 merks of expenses. Petitioner was constituted assignee to the said Mr Walter on 9th October 1616; and he now craves the Lords to order the said Robert to "answer upoun his rebellioun." On the back—"*Fiat ut petitur.* P. Rollok." — an order against George Haliburton.

11. Petition to the Lords of Council by Archibald Johnnestoun, son of the late Mungo Johnnestoun of Locherbie, and Johnne Johnnestoun in Cleuchheidis. They have been put to the horn at the instance of William Broun of Woodend, Broun, his son, James M^cNaucht in Ecclis, Coline Maxwell in Glencarne, James Barbour in Killanye, James Asslowane in Thainloch, and Johnne Wilsoun in Cauldsyde, for not entering their persons within the Tolbooth of Edinburgh for the alleged awaytaking from Andro Blak, messenger, of some "ky," horses, and mares, which the said Andro was driving to the market cross of Lochmaben to be there comprised, and for the pursuit and invasion of the said persons to their bodily harm. Parties are now on friendly terms, as stated in a letter of 7th July last. Petitioners crave relaxation, and are willing to find caution.—On the back—"*Fiat summonitio ut petitur* to the xxiiij day Februair nixt, and to suspend and relax *ut infra* to the last day of the same moneth, becaus thir compleneris hes fund cautioun to the effect withinwrittin, ather of thame under the pane of thrie hundreth merkis, as alsua for payment of the sowme of fourty merkis for thair esheit goodis. P. Rollok." — Edinburgh, 10th January 1618. Petition by Archibald and John Johnston for relaxation from a horning.

12. Petition to the Lords of Council by the late Tacksmen of His Majesty's Customs that the undernamed persons be ordered to relax themselves from hornings of 26th and 29th November last for not paying the custom of certain goods to Andro Hog in Cralinghall, their deputy:—viz.: Symone Glendoning, flesher in Kelso, and Robert Scot, merchant there, for 72 "nolt" and 60 lambs, 3 packs of skins, and 1 daker of hides; Robert Douglas of Bank, 7 "nolt"; Chairlis Burne in the Coit and Johnne Burne there, 40 "nolt" and 43 lambs; James Bryce in Abirdeene, 20 "nolt"; Adam Neisbit in Upsetlingtoun, 100 "nolt"; Arthour Trotter there, 92 "nolt"; James Neisbit in Blakdykis, 15 "nolt"; and Robert Gemmill in Duns, 15 "nolt." On the back—"*Fiat ut petitur.* P. Rollok." — Edinburgh, 12th January 1618. Petition by the late Tacksmen of the Customs against certain defaulting butchers.

13. Petition to the Lords of Council by the Treasurer and Treasurer-Depute craving letters ordering payment of the fines imposed on certain persons who have been found guilty of contravening the acts anent the sale of tobacco (*ante*, p. 287). On the back—"*Fiat ut petitur.* Al: *Cancellarius.*" — Edinburgh, 13th January 1618. Petition for an order against persons fined for illegal traffic in tobacco.

14. Petition by William De . . , burgess of Anstruther. Robert Richardsone of West Barnes has conceived a deadly hatred against pursuer, and disturbs him in the possession of his lands. It is craved that the said Robert may be ordered to find caution for his indemnity. On the back—"*Fiat ut petitur*, under the pane of v^c lib. Sir J. Skene." — Edinburgh, 14th January 1618. Petition against Robert Richardson of West Barns for molestation.

Edinburgh, 14th January 1618.
Petition by Alexander Strachan of Glenkindie and Gilbert Anderson against Patrick Innes for assault and deforcement.

15. Petition to the Lords of Council by Alexander Strauchan of Glenkindie, and Gilbert Andersoun, one of the officers of the Commissariot of Abirdeene. On 2nd instant they were on the lands of Libertie, lawfully comprising some corn, in payment of a debt of 950 merks due to the said laird, and, when so engaged, were attacked and severely hurt by Patrik Innes of , accompanied by about a hundred men, all armed. "And, the said Patrik," says the petitioner, "not being content thairwith, he come frome his company towardis me and challengeit me to the single combatt, provoking me, gif I had the hairt of a man, to feycht with him hand to hand, protesting and avowing with many horrible oathis that in dispyte of me and all that wald for me he sould haife these cornis." Petitioner, out respect to the law, submitted; and now craves that the said Patrik be ordered to appear personally before their Lordships. On the back—"*Fiat ut petitur.* Sir J. Skene."

Edinburgh, 14th January 1618.
Petition by George and Andrew Douglas against Riddell of that Ilk and others for oppression.

16. Petition by George Douglas of Freirshaw, and Andro Douglas, his son. For some years past they have been heavily oppressed by their neighbours, Andro Riddell of that Ilk, Andro Riddell of Lillislie, and Sym Riddell of Lillislie Mylne. The Laird of Riddell, "being moved with ane gredie and insatiable desyre" for petitioners' "rowme," has done many unkind acts which they have "past ouer with silence;" but on December last he brought 24 score sheep and set them upon a "shoit" of their wheat which was "fair abreird," and kept them there for 8 nights. On Sunday 11th instant petitioners "forgadderit with" the said laird at their parish kirk of Lillislie, and in a friendly way told him of the skaith which they had sustained, and asked reparation. On his refusal, petitioners warned him that they would pursue him at law. Whereupon the laird "in a grite raige and furie" called them "notorious and commoun thevis"; and then, say the petitioners, "he invadit and persewit ws of our lyvis with a drawne quhinyeair, shoiring and avowing with mony horrible aithis that he sould haif tayne the said Georg lyffe as he tooke my brotheris, followit ws ouer the kirkyaird dyke, and had not faillit to haif done what in him lay to haif slane ws wer not he wes stayit be the people convenit at the kirk for the tyme." On 8th instant, the said Andro and Sym Riddell, by direction of the present laird, took from Hill and Smaill, petitioners' farmers, their "plew-irnis," and so made them "unable to labour the land." Petitioners crave that the said persons be ordered to appear before their Lordships. On the back —"*Fiat ut petitur.* Sir J. Skene."

Edinburgh, 14th January 1618.
Petition of the Earl of Eglinton against Stewart, younger of Barskimming and Reid of

17. Petition by Alexander, Earl of Eglintoun, as informer, and of the King's Advocate, for the appearance before the Council of Stewart, younger of Barskyming, and Reid of Ballochmyle, for having carried hagbuts and pistollets from January 1615 to January instant, and, "under clud and silence of nicht, hes come furth of ailhousis to myne the said Erll of Eglintonis propper landis and cuninggair of Snodgirs, and thair

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hes shott and slayne grite nomberis of my propper ewnningis and hes maid a verie grite spoile thairof, and utherwys hes shott and slayne grite nomberis of wyld foule in all pairtis of the countrie, and uses the same hacquebutis and pistolettis for thair particular revenge upon all sic personis aganis whome thay beire querrell." Signed SIR W. OLIPHANT. On the back—"*Fiat ut petitur.* Sir J. SKENE." Ballochmyle, for illegal shooting on his lands.

18. Petition by Geillis Merser craving that the bailies of Perth be ordered to exhibit her on a certain day and hear decreet for her release. (See *ante*, p. 295.) On the back—"*Fiat ut petitur.* SIR J. SKENE." Edinburgh, 15th January 1618. Petition by Geils Merser for her release.

19. Petition by the King's Advocate for the appearance of certain persons guilty of carrying hagbuts and pistolletts. (See *ante*, p. 318.) Signed by SIR W. OLIPHANT. On the back—"*Fiat ut petitur.* SIR J. SKENE." Edinburgh, 15th January 1618. Petition by the King's Advocate.

20. Petition by Sir Robert Steuart of Shillinglaw, knight, in the terms printed *ante* p. 337, craving that the persons therein named be ordered to appear and subscribe a letter of slanes in the matter of the slaughter of David Steuart. On the back—"*Fiat ut petitur.* SIR J. SKENE." Edinburgh, 19th January 1618. Petition by Sir Robert Stewart of Shillinglaw.

21. Petition by Sir Henry Wardlaw of Pittravie, "chalmerlane to the Quenis Majestie of the lordschip of Dunfermlyne," asking their lordships to order the following persons to pay their shares of the sum of £1722, 4s. 6d., being the first term's payment for the lordship of Dunfermeling of the taxation granted to his Majesty in March last—viz.: Johnne, Earl of Mar "for the taxt of the haill teyndis and parroche kirk of Striviling," the sum of £80; , Lord Ogilbie "for the taxt of the teyndis of the parroche kirk of Maling and Stratherdaill," £80; the provost and bailies of Perth, "takkismen, at the leist haueing richt of the taxmen, and lykwyse haueing rycht of the patronage of the haill teyndis of the parroche kirk of Perth," £80; and William, Earl of Mortoun, and his chamberlains "for the taxt of the teyndis of the parroche kirkis of Kinros and Vruill, £80. On the back—"*Fiat ut petitur.* SIR J. SKENE." Edinburgh, 19th January 1618. Petition by Sir Henry Wardlaw, Chamberlain to the Queen, for orders against defaulters of their shares in the taxation of the lordship of Dunfermline.

22. Petition to the Lords of Council by Sir Alexander Gordoun of Cluny, as brother to "Dame Grissell Steuart, Lady Meldrum, moder to Marjorie Gordoun, dochter lauchfull to umquhill Sir Thomas Gordoun of Cluny, knycht, procreat betuix him and me the said Dame Grissell," and by Johnne Seytoun of Meldrum, for his interest as now spouse of the said Dame Grissell. The said Marjorie, who is "a young harmeles damosell not past xiiij yeiris of aige," was educated and brought up by the said Dame Grissell and her spouse in his place of Meldrum. Johnne Gordoun, son of James Gordoun of Knokaspeck, and domestic servitor to the said laird of Meldrum, showed himself so "unworthie of the truste and credite" placed in him as to resolve to "ravishe and tak the said Marjorie Gordoun Edinburgh, 19th January 1618. Petition against John Gordon, son of James Gordon of Knockespock, for the abduction of Marjory Gordon, daughter of the late Thomas Gordon of Cluny and his wife Grissell

Stewart, now Lady Meldrum.

away, awaiting onlie upoun the tyme and occasioun to putt his wicked purpois in executioun." On 24th December, the laird left for a few days' hawking. The said Johnne, who was to have accompanied him, "fenyeit himself to be seik, and stayed at home. And, keiping himself quyet all the day till nycht, as yf he had bene a seik man, in end, about houris at nycht, quhen the plaice wes quyet, and the maist pairt of the servandis gone to thair rest," he, with some accomplices, "put violent handis in the said Marjorie, and by force and violence caryed hir with thame outher to the duelling house of the said James Gordoun, his fader, or to some other place unknown." It is craved that the Lords cause order to be given to the said persons, either personally, or by proclamation at the market cross of Abirdeene, to appear before them on a certain day, and to exhibit the said Marjorie. On the back—"*Fiat ut petitur.* SIR J. SKENE." Miscellaneous Papers,

Edinburgh, 20th January 1618.

Petition by Sir Lauchlan Mackintosh that the Sheriff of Inverness may be charged to take off his hands for trial a notorious thief whom he arrested some time ago, and has had in custody since.

23. Petition to the Lords of Council as follows:—"Humelie menis and shewis ws your servitoris, Sir Lauchlane M^cIntoshe of Dunnauchtane, Donald M^cQueene of Corribroich, and Angus M^cQueene, his eldest sone, that quhair, at oure lait being in Badyenauch in the moneth of November last, we being comeand through ane wode under silence of nyght, we hard ane dynne and shouting of people, and, following upoun the shoute to understand quhat the mater meaned, we forgadderit in the wode with ane M^cPhail , ane commoun and notorious theif, haueing with him ane certane quantitie of cloathe quhilk he had then stollin fra ane walker neir by, and wes followit and shoutit for the same. And, becaus the necessitie of our adois urgeit ws to remane some few dayis thairefter in Badyenauch, sua that we could not in dew tyme gett the lymmair presentit to the schireff, and then I the said Sir Lauchlane being chairgeit upoun a suddane to come southe upoun the complaynt of James Steuart callit of Jerusalame (*ante*, p. 358), the lymmer upoun that occasioun hes bene under my keping sensyne. And, I being now to go home, I intend to present and delyver him with^e the fang to the schireff of Innernes and his deputis, to the effect he may be putt to his tryall be thame; bot I suspect that thay will not tak him af my handis, becaus thay will alledge that the tyme of thair preuilege is expyreit." Petitioner craves letters charging the sheriff and his deputes to take the said thief. On the back—"*Fiat ut petitur.* AL: *Cancellarius.*

Edinburgh, 21st January 1618.

Petition by the King's Advocate, the Magistrates of Perth, and John Matthew of Balhoussie, against Lundy of Gorthie, Guthrie, younger of Kingoldrum,

24. Petition by the King's Advocate, the provost and bailies of Perth, and Johnne Matthew of Balhoussie:—On 1^st December last, "being the publict fair and marcat keipit with the said burgh callit Andersones Fair," an unseemly tumult was caused by George Lundy, sometime of Gorthie, Guthrie, apparent of Kincadrum, M^r George Grahame, son of the Laird of Claverhous, and others, to the number of nine. They, "haveing spent the maist pairt of the day in the bestlie excessie of filthie drukkinnes," issued from a tavern about 12 o'clock at night, and with drawn swords "cuttit down the haill marcat standis being standing and

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sett up upon the streitis of the said burgh for the merchantis hanting to the said mercat during the tyme." It happened that the said Johnne Matthew, who had been at supper with Andro Gray, Dean of Guild, and was returning with his servant boy "to his awne chalmer within the burgh," was overtaken by the said persons and cruelly used. He and the boy would have been slain, "wer not, be the providence of God, the commoun bell being rung, at the sound quhairof Andro Conquerour, ane of the bailleis of the said burgh, come furth of his bed and hous to haif tane ordour for keeping of his Majesteis peace within the said burgh. And, the said baillie comeing unto thame, and verie soberlie declairing unto thame that he wes ane of the bailleis of the said burgh, and thairfoir, as his Majesteis under-officer thair representing his Majesteis most royall persone, in his Hienes name and auctoritie commandit thame to desist fra the farder persewing of the said Johnne Mathew or troubling the peace of the said burgh, thay most proudlie and disdanefullie disobeyit the said baillie his said command, most skornefullie and dispytlie saying and crying oute 'Lay to the carle the baillie,' cuttit his claithis in sindrie pairtis thairof and with stalffis and treis gaif him mony bauche and blae straick, and took from him his halbert and uther wapponis, and maid suche ane oppin tumult all that nycht within the said burgh as could not be satled untill the nichtbouris of the toun rais oute of thair beddis and come to the calsay for assisting ws the magistratis in the satling of this tumult." Petitioners crave their Lordships to call the said persons before them." Signed Sir W. Oliphant. On the back—"*Fiat ut petitur.* P. Rollok."

Mr. George Graham, son of Graham of Claverhouse, and nine others for riot and outrage at night in the streets of Perth.

25. Petition by the King's Advocate, Helene M°Gill, relict of John Ker of Hiltoun, and her children, that Sir Robert Dowglas, and Williame Reid, sheriff depute of Kincairdin, be ordered to exhibit William Brabner, merchant in Fettircarne, and Robert Brabner, his son, murderers of the said John Ker. (See *ante*, p. 301.) Signed Sir W. Oliphant. On the back—"*Fiat ut petitur.* P. Rollok."

Edinburgh, 21st January 1618.

Petition by Helen M'Gill against William and Robert Brebner.

26. Petition by Johnne M°Robene, stabler in Stirling, against James Leckie in the terms printed *ante* p. 302. On the back—"*Fiat ut petitur.* P. Rollok."

Edinburgh, 21st January 1618.

John Macrobin and James Leckie.

27. Petition by Thomas Lyell of Murthill as follows:—David Betoun of Carsgownye has conceived a deadly hatred against him, and, despite the warning of the justices of peace of the sheriffdom of Forfar, "persistis in his violent passionis and humouris" against him. On last, the said David, accompanied by John Ogilvy of Inchewane, his son-in-law, David Barclay of Auchluchrie, David Lindsay of Auchnadie, Alexander Lindsay, his son, Patrik Guthrie in Laidich (?), Alexander Betoun, natural son of the said David, and others, about twenty-four in number, all armed, lay in wait on the highway between Killymure and his house, in order to attack

Edinburgh, 23rd January 1816.

Petition by Thomas Lyell of Murthill against Beaton of Carsgownie and others for molestation and assault.

petitioner on his way back from a tryst at Killymuir. "Bot, God, who is the protectour and defendair of innocentis, haueing discoverit thair hid and detestable purpois to the minister of Killymure, in the very meanetyme quhen I wes upoun my jorney hameward and ignorantlie making my addresse towardis thame, the said minister oute of a honnest hairt and intentioun followit me with all his speede, and come to the saidis personis or I approtcheit neir unto thame, and eirnistlie delt and trauellit with thame that thay wald so observe and leave of suche wicked and bad interprise, laying befoir thame how offensive and grevous innocent bloode is in the eyis of Almightie God, how odious and detestable it is unto the Kingis Majestie, and how far it mycht draw thame under the dangeir and compas of law. Bot so fer wer they frome giving eare unto him that no thing wald content them bot my lyffe. Yitt in end, being ouertane by the earnist intreatie and dealing of the minister, thay wer content to spair my lyffe at that tyme, conditionallie that I wald imbrace one of three propositionis quhilkis the said David wald propose unto me,—to witt, that I sould leave the gaitt and ryde bak ane other way, or ellis that I wald then presentlie feyght him hand to hand, and, failyeing thairof, that I sould accept the challange quheneuir he sould direct the same unto me. Quhilkis propositionis being maid unto me, I maid choise of that quhilk I thocht least,—to witt, that I wald accept his nixt challange, becaus I thoght that tyme and a better advyse and dejestit consideratioun wald mak him to forgeit or forbeare his secund challange." Next morning, however, petitioner received a cartel; but, for the reverence which he bore to his Majesty's authority, he made no answer. On following, petitioner, when on the links of Monrois, was cruelly assaulted by the said John Ogilvy, and Coupar "his man," and on November again by the said Johnne and his brother George Ogilvy at his barn at the Mureheade. Petitioner craves the Lords to order the appearance of the said persons. On the back—"*Fiat ut petitur.* P. Rollok."

Edinburgh, 24th January 1618.

Petition by James Philip, as factor to the Lord of Lindores, craving relief of the said Lord by a number of defaulters of their shares in the taxation of the Lordship of Lindores.

28. Petition by James Philp, notary public, son of Johnne Philp, clerk of Newburgh, factor to Patrik, Lord of Lindoiris, craving letters ordaining the following persons to relieve the said Lord Lindoiris of the undernoted sums, being their shares of the taxation of March last, due and paid from the said lordship:—Johnne, Earl of Rothes, "for his inches haldin of the lordschip of Lindoris," estimated at 1 plough, 1 lib. 6s. 8d., and for the teinds of Parkhill, "being rentallit to ane chalder victuall," £4; Michaell Balfoure of Denmylne for the Cragmylne and other lands held of the said lordship, £3, 6s. 8d., and for the teinds of Denmylne, Chepman Cros, and Neigis Hole, "rentillit to fyve bollis," 25s.; James M^cGill of Rankelour for 5½ ploughs of the grange of Lindoris, £18, 6s. 8d.; William Spence of Incherye for his "brewsteid" in the grange and teinds of Inchery, "rentillit to 1 chalder," £5, 10s.; Johne Calvie, burgess of Newburgh, David Orme there, Patrik Pacok there, James Newtoun at the Cross there, Patrik Newtown there, James Philip, younger, portioner of Berrihill, "with the rest of the

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fewairis and inhabitantis of Newburgh" for the lands belonging to the said burgh, rated at 3 ploughs, £10; the said Johne Calvie, James Newtoun, William Balling in Abirnethie, for thair . . of the . . . . , "estimat to the tua pairt of ane pleuche," 44s.; James Leslie of Ormistoun . . . . 1½ ploughs, £5; Dave Weymes and George Gourlay of Kincragie, "for his entres for the teyndis of auld landis and cros thairof callit the teynd yaird," valued at 4½ chalders, £18, 10s.; David, Lord of Scone, for the teinds of Kynnaird, valued at 62 bolls, £15, 10s.; Joanne , Lady Lindoris, "for the taxt of hir fyve chalder teynd victuall out of the parrochine of Cullessie," £20; Andro Aytoun of that Ilk for the teinds of Calponie, 6 bolls, 30s.; Johne Skrymgeour of Kirktoun, "for the taxt of his pensioun of tua chalder victuall quhilk he hes out of the landis of Wodmylne," £8; Mr Thomas Douglas, minister at Balmerinoche, "for his pensioun of fourty tua bollis victuall quhilk he hes out the eist pairt of Dinmure and teyndis of Newburgh," £10, 10s.; David Betoun, fiar of Crechie, for the teinds of Crechie, 18 bolls, £4, 10s.; Johnne, Lord Lindsay, for the teinds of Luthrie, 6 chalders, 2 bolls, £24, 10s.; Robert Leslie of Balmediesyd for the teinds of the same, 3 chalders, 2 bolls, £12, 10s.; Marioun Gray, "lady and lyfrentair of the landis of Parbrothe," for the teinds thereof, 3 chalders, 12s.; Johnne Bonar of Lumquhat, for the landis of Lumquhat, £6, 13s. 4d.; the said Johne Bonair for his teinds of Lumquhat, 21 bolls, and of Ovir, Nethir, and Wester Ross, with the mill-lands of Lumquhat, 4 chalders, 10 bolls, 2 firlots, £18, 12s. 6d.; Alexander Kincragie for the two ploughs of Haltoun Hill and the teinds thereof, 16 bolls, £10, 13s. 4d.; Mr Andro Aytoun, advocate, for the lands of Cluny of 2 ploughs, £6, 13s. 4d.; Sir Andro Lundy of St. Monanis for the teinds of Woddilbie and half lands of Scheillis, 6 chalders; Andro Aytoun of that Ilk for the teinds of Drumtennent, "rentillit of auld" at 23 bolls, £6; Robert Aytoun of Cragfudie for the teinds of the east part of Killoche "rentillit of auld" at 40 bolls 1 firlot, £10, 1s. 3d.; Robert Skene, portioner of Auchtirmuchtie, James Maxwell there, Williame Biccartoun, Johnne Layng there, Patrik Demperstoun there, Johnne Sym there, Johnne Rankene there, Robert Maxwell there, Williame Gilmure there, James Gilmure, elder, there, Andro Rankene there, Barnard Stirk there, Johnne Arnot there, James Gilmure younger, there, James Gilmure there, Robert Gilmure, his son, William Airth there, Richard Stirk there, George Moncreif there, Gilbert Collestoun, Mr Robert Scot, David Rankene there, Johnne Smyth there, James Rankene there, Robert Stirk there, Andro Baxter there, Robert Buist there, Johne Schulbrudis there, Allane Fergie, Thomas Schoulbairdis there, Johnne Thomesoun there, Richard Balcanquall there, Robert Watsoun *alias* Miller there, and Johnne Hardie, "for the teyndis of the haill landis appertening to thame within the parrochin of Auchtermuchtie rentillit of auld to ten score foure bolls tua firlotis victuall," £51, 2s. 6d.; Stevin Patirsoun of Myris for the teinds of the lands of Ovir and Nethir Myris rated of old at 34 bolls, £8, 10s.; George Moncreif for the teinds

of Redie, 3 chalders, £12; David Aikinheid [factour?] of Mr Adam King for the teinds of Wester Kilquhis, 12 bolls, £3; Sir James Haliburtoun of Pitcur for his lands and mill of . . , 3 ploughs, and the teinds thereof, 32 bolls, £18; James Merser of Clavache, for the teinds of Clavache, £8; Henry Stirling of Ardoche for his part of the lands of Wester Fiddelis and Lenie and the teinds of Eister Fiddelis, £15; William Stirling, for his half lands of Eister Fiddlis, £6; William Burdoun and Mr James Burdoun, for the half lands of Eister Feddlis, £8; the said William Burdoun for the mill of Feddlis, £3, 6s. 8d.; Andro Moncur of Balmano, for his half lands of Balmano, £6; Mr James Bannatyne, for his quarter lands of Balmano, £3; Sir William Grahame, for his two ploughs of Claypotis, £6, 13s. 4d.; Richard Clyde, and Jonet Eveline, his mother, for the 3 ploughs of Hiltoun and Mylnetoun of Cragie, £10; Sir Johnne Skrymgeour of Dudop, "for the teyndis of the haill parroche kirk of Dundie, being xxv chalderis of victuall, the minister being payit jc lib."; Kynneir of Forret, and Bickartoun, his mother, liferenter of Wester Forret, for the teinds of the "tua pairt" of Eister and Wester Forret, £10; Mr James Keir there, for the lands and barony of Wistoun in the Mer, £40; and Sir William Fullertoun, for the lands of Ardoche, £5. On the back—"*Fiat ut petitur.* P. Rollok."

Edinburgh, 26th January 1618.

Sir John Campbell of Calder against James Dunbar for overcharge of taxes from the feuars and tenants in the barony of Strathnairn and Durris since 1613.

29. Petition by Sir Johnne Campbell of Calder, knight, superior of the barony of Strathnarne and Durnis, for himself and the fewars and tenants of the said lands.—James Dunber, messenger, indweller in , has, since January 1613, "as the occasioun of ilk terme of his Majesteis taxationis occurrit for the tyme," unlawfully charged all the petitioners to pay to him their shares of the taxation, and has exacted not only the "just taxt" but also the sum of 6s. 8d. for every merk land, at each term's payment. The said James, says the petitioner, "hes nevir maid compt, reckning, or payment to me of ony pairt of the same." Petitioner accordingly craves the Lords to order the said James's appearance. On the back—"*Fiat ut petitur.* P. Rollok."

Edinburgh, 27th January 1618.

Petition by Sir John Campbell of Calder, as proprietor of the Island of Islay, and responsible for good order in the same, that he may be protected against the influx into that island of barbarous and lawless persons from the adjacent isles.

30. "My Lordis of Secreit Counsaill, unto your Lordschipis humelie menis and shewis I, your servitour, Sir Johnne Campbell of Caddell, knyght, that quhair your Lordschipis knowis upoun quhat hard conditionis I haif undertane the rycht and title of the landis of Ilay, and how I am subject in a grite yeirlie dewytie for the same and am ansuerable to his Majestie for the obedyence of the tennentis and inhabitantis of the saidis landis, and althoght I intend, God willing, to keepe ane honnest dewytie in all that I haif undertane and promeist in that mater, yitt, the inhabitantis of the nixt adjacent yllis repynning that civilitie or obedyence sould be established or setled in Ila, bot that the wounted barbaritie and incivilitie of the same sould be intertenyed and continewed, thay have resolved to do quhat in thame lyis to unable me outher to pay

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his Majesteis dewyteis or to keepe the yle in obedyence; and for this effect nombaris of thame pretending to be maisterles and lawles personis comes in companyis to the said yle armed with invasive and forbidden armour, spoyleis my tennentis, persewis thame of thair lyves, bindis thame, dimolishes thair housis, and sua oppressis, wrackis, and overthrawis thame that thay ar not able to pay thair dewyteis to me and wilbe constrayned for verie necessitie to brek lowse, without remeid be providit. Herfoir I beseik your Lordshipis that I may have letteris direct to command, chairge, and inhibite all and sindrie personis inhabitantis of the Yles and Heighlandis nixt adjacent be oppin proclamatioun at all places neidfull that nane of thame presoome nor tak upoun hand to resorte nor repair to Ila at ony tyme heirefter without a pasporte or testimoniall in write under the hand of thair maisteris and landislordis, testifeeing quhose men thay ar, and quhat is thair earand to Yla; certifeeing all and sindrie personis of the Yles and Heylandis that shall come to Ila without the said testimoniall that thay salbe repute, haldin, and persewit as brokin, lawles, and maisterles men and as commoun theevis, and salbe takin, apprehendit, and presentit to his Majesteis Counsall or Justice accordinglie. And your Lordschipis ansuer." On the back—"*Fiat ut petitur.* AL: *Cancellarius.*"

31. Petition by Johnne Rattray, apparent of Kinvaid, to be released from a horning executed at the instance of Patrik Craufurd, cordiner, burgess of Perth, for an alleged assault. He was not lawfully summoned, and was ignorant of the charge. On the back—"*Fiat ut petitur* to the xxij day of Aprile nixttocum, and to suspend and relax *ut infra* quhill the last day of the samyn month, becaus Gilbert Murro of Kippo is become cautioun for the complenairis personall compeirance to the effect within writtin, undir the pane of thrie hundreth merkis, as alsua for payment to his Majesteis Thesaurair and Deputie Thesaurair of the sowme of twenty pundis for his eschete. P. ROLLOK."

Edinburgh, 27th January 1618. Petition by John Rattray for release from a horning for assault.

32. Petition by Edward Mekeljohne, burgess of Edinburgh, to have David Reid of Aikinheid charged to appear for assault. Petitioner went to-day to the house of Archibald Hammiltoun, smith, burgess of Edinburgh, to ask the said David, who was staying there, to pay a certain debt. But the said David, after uttering "injurious and opprobrious speches," rose from bed, "sark allane," and attacked petitioner with a whinyer and staff. On the back—"*Fiat ut petitur.* P. ROLLOK."

Edinburgh, 30th January 1618. Petition by Edward Meklejohn against Reid of Aikenhead for assault.

33. Petition by the King's Advocate and Williame Hay of , son-in-law of George Gordoun of Geycht, as follows:—Despite the publication of the decreet in the matter of the feud between them and the "brether of Brunthill," and the "chopping" of hands in presence of the Council, the said Williame Hay, when walking on the links less than a mile from his house, on ; was attacked by William Hay, younger

Edinburgh, 31st January 1618. In the matter of the feud between Gordon of Gicht and the Hays of Bruntthill.

of Brunthill, and Mr Patrik Hay, on horseback and armed with hagbuts and pistollets. Petitioner, having his "led horsse" with him, made his escape. The brothers thereupon retired to an "oistlar house" at the kirk of on the highway home, and there hid themselves. They assembled together 12 horsemen and 20 footmen, all armed; but petitioner, suspecting the ambush, rode home another way. On November last, "the said Johnne Hay" assaulted David Nicolsoun, petitioner's servant, in Patrik Blak's booth in Abirdeene. All these persons are guilty of carrying forbidden weapons, and should be ordered to appear before the Council.—Signed by Sir W. Oliphant. On the back—"*Fiat ut petitur.* P. Rollok." (See *ante*, pp. 45, 47n., &c.)

Edinburgh, 31st January 1618.
Duncan Douglas and others.

34. Petition by the King's Advocate craving letters for the appearance of Duncane Douglas, Archibald Menyees, and Robert Ramsay, in the terms printed *ante*, p. 377.—Signed: Sir W. Oliphant. On the back—"*Fiat ut petitur.* P. Rollok."

Edinburgh, 31st January 1618.
Duncan M°Eanduy.

35. Petition by the King's Advocate craving the appearance of Duncan M°Eanduy in Rannache, in the terms printed *ante*, p. 371.—Signed: Sir W. Oliphant. On the back—"*Fiat ut petitur.* P. Rollok."

Newmarket, 9th February 1618.
Royal Letter instructing the Council to pass an amended form of a gift to Gilbert Dick, bookseller of Edinburgh, of the sole right of printing and selling the Assembly's Catechisms, and instructing them also to call Andro Hart and other Edinburgh booksellers to account for printing and selling copies of these Catechisms.

36. "James R.—Right trustie and right welbeloued cosen and counsellour, and right trustie and welbeloved counselloris, wee greete yow well. Whereas wee wer pleased not long agoe to signe in favouris of Gilbert Dick, bookeseller and burgess of Edinburgh, a gift of the sole printing and selling of the catichismes appointed by the Assemblie last keipt at Abberdene and authorized by us to be used and teached by the ministeris and other catichiseris and shoolemaisteris of that our kingdome. Whiche, being presented so signed to be past by you in Counsell there, wes at that time refused, because of a charge therein to all men to buy the same; whereupoun the said Gilbert having reformed the said signatour and omitted the said charge furth of the same, wee haue bene pleased of new to sett oure hand therto; and therfore it is oure pleisure that whensoever it shalbe presented to yow yee give way therto and suffer the same to passe at our seales. And, forasmuch as wee are crediblie informed that Andro Hairt, Richard Lawsoun, and Edward Catchkein, bookeselleris in Edinburgh, haue at their owne hand presumed to print and sell diverse copies of the said catichismes, it is therfore oure pleasure that yee call unto yow the afoirnamed persones, charging them to tell be what licence or authoritie they have imprinted the same, and that yee cause them exhibite such as they haue imprinted,—whiche when they haue exhibited yee shall furthwith deliuer to the Archbishope of St. Androis to be revised by him, and therafter used and disposed upon as wee shalbe pleased to direct him. Wherein not doubting of your readie care and obedience, wee bid yow farewell. From oure Courte at Newmarket, the 9th of Februarie 1618."

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37. Minute of meeting of Council and first draft of answers to the English proposals for the government of the Middle Shires (*ante*, p. 313): —*Sederunt*:—Chancellor; Treasurer; Roxburgh; Cranstoun; Binning; Treasurer-Depute; Clerk of Register; Advocate; Sir Andro Ker. 10th February 1618. First Draft of Answers by the Council to the proposals of the English Commissioners respecting regulations for the Middle Shires.

"1. 2. Anent the first and secund articlis. The Counsall thinkis the ordour sett doun thairintill to be weele done, and thair is lawis of this kingdome quhilkis ar equivalent and ansueris thairunto in every poynte. Bot, whereas upoun conference quhilk the Counsaill hes had with the Commissionaris of the Middle Shyris thay ar treulie informit that thair is sindrie other pairtis in England nor ar sett doun in these articlis quhairfrome this cuntrey ressavis gritair skaith and hairme nor frome the pairtis nominat in the articlis, the Counsaill thinkis meete that this ordour sould be extendit generallie to the haill Middle Shyris of England. And, quhilk being done, the lyke course salbe tane on this hand, and good correspondence salbe keept accordinglie.

3. That, yf ony of the Commissionaris sall baill ony malefactoris out of Courte, the Commissionaris sall be ansuerable to the pairtyis grevit at whose instance the malefactor wes bayled, and sall alsua be ansuerable to his Majesteis Counsell upoun the dewytie of thair office in that poynte.

4. To the fourte article. The shireffis and justiceis warrandis sall ryne throughout the haill shyris and sall haif effect and executioun so far as the lawis of the cuntrey will permitt.

5. Findis the article very expedient; and the subjectis of the cuntrey, quhen thay haif bene desirit, hes bene verie deutifull in that poynte.

6. Command salbe gevin to the landislordis and magistratis of the cuntrey to caus this article be observit and cautioun to be fundin be these to whome licence salbe grantit for observing of the article.

7. The Lordis findis no inconvenience be this article; and, yf ony sall appeir, ordour salbe tane for repressing of the same.

8. The desire of this article is reasounable, and proclamatioun salbe maid for restreaneing of the same accordinglie.

9. Proclamatioun salbe maid accordinglie, and the contravenaris salbe punist as the Counsaill sall appoynte.

10. For notorietie of the outlawis. Proclamatioun salbe maid designing the names of the outlawis with intimatioun to thair ressettaris that thay salbe punist according to the law.

11. Allowis of that article.

12. Allowis of the ansuer maid be the Commissionaris.

13. The Lordis findis that, seing be the lawis of this kingdome every landislord in the Middle Shyris is bundin to be ansuerable for his men, that thair is no necessitie of this article.

14. This article is observit and obeyit on the Scottis syde.

15. The lawis of this kingdome and Generall Band ansueris this article.

16. The article is fundin verie ressounable and profitable for the cuntrey, and may be putt in executioun according to the Conjunct Commissioun gevin in the Middle Shyris.

Commissionis.

1. The pouer grantit be the Commissionaris to the Commissionaris of the Middle Shyris on the Scottis syde is ansuerable to that article. Miscellaneous Papers.

2. The power gevin to the Commissionaris is sufficient; and the tymis of thair meeting ar not limited, bot thay meete at every occasioun.

3. This is coincident to the 13 article; and findis convenient that course be takin with these that, being sent to Irland, returnis without warrand, as this article bearis.

4. The Commissionaris sall proceid in this article so fer as by the lawis of this kingdome may be warranted.

5. Findis that the Middle Shyris of this kingdome is so neir to the burgh of Edinburgh, quhair the Justice sittis and quhair resolutioun may be had in ony questioun that sall occur. The Counsall will send for the Commissionaris, and, quhair thair advise is requisite, it salbe had."

On the back—"Articlis anent the Middle Shyris."—*Also*,—"Proclamatioun anent abuse of the custoum in selling of coill and salt, with conditioun to mak thame free of custome. The pane of the ship and ladning."

Edinburgh, 15th March 1618. Petition by Agnes Logan and her son against Wardlaw of Torrie for debt.

38. Petition by Agnes Logane, relict of Johnne Quhippo of Innerteill, and Thomas Quhippo, her second son, craving letters ordering the appearance of Andro Wardlaw, elder of Torrie, who was put to the horn on 5th inst. for not paying 10,000 merks of principal, with all interest due since 6th May 1606, and £1000 of expenses. On the back—"*Fiat ut petitur.* R. COKBURNE."

Whitehall, 6th May 1618. Royal Letter instructing the Council to issue to the Laird of Mackintosh a commission of pursuit against the rebel MacRonalds, elder and younger, and their followers, as ample as that formerly granted to the Earl of Argyle against the Macgregors.

39. "JAMES R.—Right trustie and right welbeloued cosen and counsellour and right trusty and welbeloued counselloris, wee greete yow well:—Understanding of the insolent and outragious violence latelie done to some of the Laird of Malcomtoshies servantis and tennentis in Badyenoch, and that many of their housis, with some young children, are brint and a great nomber of their nolt slayne by the laird of McRonald, younger, and otheris, oure declaired rebellis, his complices, and wee being perswadit that the said laird of Malcomtoshie, being authorised with oure commission, will use his best indevouris for persute and punishement of the saidis rebellis to the effect that the delay therof may not encouradge them to the attempt or practise of some furder mischeif, it is oure speciall pleasure that upon receipt hereof yee call unto yow the said laird of Malcomtoshe, and that yee furthwith exped and graunt to him as ample and absolute ane commission against the lairdis of Makronald, elder and younger, their assisteris and resetteris, as wes hertofore graunted to the Earle of Argile against the Clangregour, their assisteris and ressetteris. Whiche yee shall not fayle to doe in so far as may be without prejudice of our loyall

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subjectis and hurt of the cuntrie. Wherfoir not doubting but yee will duelie provide, wee bid yow farewell. At Whitehall the 6th of Maye 1618." (See *ante*, p. 403.)

40. Original of Royal Letter authorising the admission of Lord Sanquhar to the Council, printed *ante*, p. 362. At the foot—"2 Junij 1618. *Fiat.*" Theobalds, 13th May 1618. Lord Sanquhar.

41. Acquittance by James Stewart of Over Kincardin in favour of James Prymrois, Clerk of Privy Council, of the sum of 100 merks, "consignit in his handis be Lauchlan Malcumtoshe of Dynnachtin," and ordained to be paid to the said James for the expenses sustained in the pursuit of the said Lauchlane for the production of Johnne M^cConeill Y^cKayn M^cFaile. (See *ante*, p. 358.) Witnesses:—Alexander Wylie, servitor to the said James, and Johnne Balfour, writer of the acquittance. Two signatures of James Steuart. Edinburgh, 25th May 1618. Acquittance by James Stewart to the Clerk of the Council for money received.

42. Acquittance granted by Elizabeth Thomsone in Belheavin (*ante*, p. 374). George Wilsone is entered "*alias* Mylne"; James Wode, merchant burgess of Edinburgh, is also a witness. Elizabeth Thomsoun cannot write, but signs with the aid of James Swan, notary public. Alexander Wood lives at "Craigieogilface." On the back—"At Edinburgh, 6 off Junii 1618. I, as procuratour for Elisabeth Thomsone, consentis to the registring off this present acquittance in the books off Counsall,—M. BURNET." Dunbar, 5th June 1618. Acquittance by Elizabeth Thomson.

43. Petition by Thomas Barbour, commissary-depute of Peiblis, craving the Lords to take order with David Ramsay, one of the Guard, for the arrest of James Twedy of Dreva, and Johne Twedy, his son, at the horn for not paying these sums,—the former £83, 6s. 8d. of principal and £10 of expenses, the latter 300 merks of principal and £25 of expenses. The said David undertook the execution of the warrant, but allowed prisoners to remain at liberty. The said James was in the said David's house in this burgh, "long efter that the said warrand was in his hand for apprehending of him." On the back—"The Lordis ordanis David Ramsay outher to apprehend the rebellis withinwrittin or then to pay the soumis within contenit to this complener betuix and the day of Julij nixt to come.—AL: *Cancellarius.*" Edinburgh, 9th June 1618. Commissary-depute of Peebles against David Ramsay, one of the Guard, for neglect of duty in not arresting Tweedie of Dreva and his son, both at the horn for debt.

44. "Serenissimo principi ac domino Christiano IIII., Dei gratia Daniæ, Norvegiæ, Gotthorum Vandalorumque regi, duci Slesvici, Holsatiæ, Stormariæ, ac Ditmarsiæ, comiti in Oldenburg et Delmenhorst, &c., Alexander, Fermelinoduni comes, dominus de Fyvie et Urquhart, &c., Scotiæ Cancellarius, et cæteri Jacobo, Dei quoque gratia Britanniarum, Franciæ, et Hiberniæ regi, Fidei Defensori, &c. in Scotia a Consiliis, salutem plurimam perpetuumque omnis fœlicitatis incrementum dicunt. Edinburgh, 18th June 1618. Letter from the Privy Council to Christian IV. of Denmark requesting his good offices for the restitution of a Scottish ship and cargo

arrested at Bergen in Norway about seven years ago and in litigation ever since.

Serenissime Princeps,

Annus iam agitur fere septimus ex quo in portum Bergensis in Norvegia civitatis appulit ex Orcadibus insulis mercator nostras Robertus Scola, serenissimi regis nostri, consanguinei vestri fratrisque et affinis et compatris charissimi, subditus, cum nave oneraria, ubi butirum, oleum, boum coria, aliaque mercimonia ad serenissimum regem nostrum pertinentia, mille et quadringentis daleris æstimata, ab illius anni vectigalium magistro, Seuerino quodam, Seuerini sub arresto, ut loquuntur, fuerunt retenta. Caussabatur Seuerinides quod quidam Simon Stuart uno myoparone seu navigio piratico infesta habuisset maria, et bona plurimorum deprædatus esset. Damna certe serenitatis vestræ subditis illata fuisse doluimus, et, si in manus nostras pervenisset quisquis ille Simon, meritas pœnas luisset. At, cum bona prædicta non at Simonem aut ullum piratum sed ad serenissimum regem nostrum pertinuerint, existimavimus amicitiam inter hæc regna coalitam iamdiu, ac etiam affinitate æternum memoranda iam arctius revinctam, id ponderis apud Severiniden habituram ut, cum bona prædicta ad serenissimum regem nostrum pertinere rescivisset, statim illa nobis restituenda curaret. Quamobrem data per regium diploma anno salutis humanæ CIↃ · VI^{c} · XIV° dilecto nostro Davidi Hart procuratoria potestate, nostris quoque chirographis apud senatum Bergensis reipublicæ, testati sumus nauem illam cum prænominato Scola eo devectam et quæcunque ei inerant bona ad serenissimum regem nostrum, fratrem vestrum, spectauisse. At comperendinationibus suis effecerunt in illa serenitatis vestræ curia advocati ut lis in hunc usque diem protracta sit, et, revocato nunc Dauide Hart, nos denuo negotium mandemus gerendum dilectis Roberto Montetho de Egilsey, nostrati, ac Nicolas Fransono, latori præsentium, reipublicæ Bergensis civi, serenitatisque vestræ subdito. Quos serenitati vestræ quantum possumus commendare præsentibus voluimus ut literas ad senatum Bergensem dare Majestas vestra non dedignetur quo cunctis ampliationibus finis imponatur, nec serenissimi regis nostri dilationes hasce omnes ignorantis causa a seipso literas desideret ad serenitatem vestram dari. Quod quia et serenitatem vestram facile facturam speramus, longioris epistolæ tædio supersedemus et serenitati vestræ fausta omnia precamur.—Edinburgi, decimo octauo die mensis Junij anno salutis humanæ 1618. Serenitatis vestræ amici observantissimi et humillimi."

On the back—"Lettre fra the Secreit Counsall to the King of Denmark, 1618."

Tottenham, 27th July 1618. Bishop of Aberdeen.

45. Original of Royal Letter anent the admission of the Bishop of Aberdeen to the Council, referred to *ante*, p. 438.

Jedburgh, 19th October 1618. Letter from Sir Andrew Ker to the Clerk of Coun-

46. "Right assured freind. Ther is two men of myn who unhappillie, efter ane drunkin lawing being set upone, as they alledge, fell in ane swagger with uther two, nightbouris of ther owne, whom they woundit, and one of them since deceast of the said wounde. In my absence, upone notice therof, the lord Cranstoune committed them to the goale of Jed-

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burgh, ther to remaine till ther ordinar tryall. In the meanetyme ther contraire partie the last Councell day purchased ane commissioune to the Lord Cranstoun, the young schireff of Tweifidaill, Thomas Turnbull of Mynto, and Williame Douglas of Bunjedburgh, for putting the offenderis to ane assyise (*ante*, p. 453). Now, in respect of the deidlie feid standing betuixt Thomas of Mynto and me, as also no speeches nor freindship betuixt Williame Douglas and me, the defenderis being my servandis, I think the Counsell will not think it fitt, understanding thus far, to let that commissioune goe on, sua mekle the rather also seing evir hitherto since ther hes beine any commissione upoun the Borderis the Commissionaris themselves have sittin upoune all ryotis and slaughteris as ane speciall point of ther commissioune. Yea, morover, being apprehendit be ane commissioner himself, to wit, the Lord Cranstoune, and for that which might be objectit against me as one of that number, I should be alwayes willing to set my self, gif they would suspect me of justice; bot ther is uther foure by me who ar ane sufficient number for ane grytter matter. And, seing lykwayes the puir men is thoght to have goode deffences for them selvis, bothe for ther contrar pairties being at ane criminall horne, as also what they did to be in ther owne defence, and besydis all this by ther humble offerris half and more perswadit ther contrair pairtie to ane transactione, gif some more malicious people did not too bussily instigat them to the persuite. Which gif it must turne unto, my earnest desyre to yow is ye will now in the meintym give in ane bill at ther instance to the Counsell humblie meaning ther cause, and for the reasonis afoirsaid, and, that justice may be the more advysidlie and impartiallie ministrat, that ther Lordshipis will be pleased to discharge the same commissioune and remitt it to the ordinar tryall of the Lord Cranstoun and remanent Commissioneris, excepting myself, or utherwayes to give command for ther transport to abyd ther tryall befoir the generall justice at Edinburgh: whiche reasonable desyre I trust ther Lordshipis shall not refuise. Ye will be pleased to let my Lord President hear of the bill when yow reid it. Ther names to be contenit in it is Andro and Cuthbert M^cDougallis, brethren, my servandis in Stenniledge. What belongis to your pairt to favour them into assure yow, as I doe expect it, I will be myndfull of it in what I can. And they will not be unthankfull themselffis. Thus, nowayes doubtfull of your favour and care, and attending your goode answer heirin, I rest your assured loving freind, A. CARRE. Jedburgh, 19 October 1618." On the back—"To my right assured goode freind James Prymrose, Clerk of his Majesteis most honourable Privie Counsell in Scotland, These." Sir Andro Ker's seal is affixed.

cil, remonstrating against the proposed mode of trying two men of his, in trouble for a scuffle with two of their neighbours and the accidental slaughter of one of them.

47. "JAMES R.—Right trusty and right welbeloued cosen and counsellor and right trusty and welbeloued counsellors, wee greete yow well. The complaintes made to us of the prejudice susteaned be oure subjectis of that oure kingdome be the fishing of the subjectis of the Estates of the

Whitehall 7th November 1618.

Royal Letter requiring the Council to ex-

pede and return an enclosed Commission appointing the Duke of Lennox, the Marquis of Hamilton, Lord Binning, and Sir George Hay to act as his Majesty's Commissioners for discussing with the Commissioners appointed by the Estates of the United Provinces the question of the rights of the Dutch to fishing in the Scottish seas, and also requiring the Council to send to his Majesty all possible information bearing on that question.

United Provinces of the Lowe Cuntries in our Scottis seas, thereby bereauing the natives of that benefite of fishing whiche God and nature had providit for them, and of many particulare injuries done to sindrie of our people alswel upon the sea as on the coast and land of oure said kingdome, giving us occasion to advertise the saidis Estates of oure sense of these prejudices and resolution to haue them duelie repaired, they haue signified to us their ready affection to haue their right and the actions of their subjectis ordourly tried and that determination takin in both whiche may mentyne the long obserued amitie betwix oure Crowne and that Estate, and for that purpose to send to us their Commissionares sufficientlie authorized; which upon our part requires Commissionares to be likwise lawfully constitute. To whiche effect wee haue made choise of our right trusty and welbeloued cosenis and counselloris the Duc of Lenox, admiral, and Marquis of Hamilton, and of our trusty counselloris, the Lord Binning, our Secretarie, and Sir George Hay, knight, our Clark of Register of that oure kingdome (*ante*, p. 462). Which commission wee haue sent to yow, willing yow to cause exped the same under the great seale of that our kingdome and to returne the same to ws with all possible diligence, togither with the most perfite information in writt that yee can give us annent our right to exclude the saidis Estates from their pretendit right or alledged possession, and what particulare injuries they have done to our subjectis in generall or particulare, be sea or land, ather be debarring them from fishing or breking the scailles of fishes to the harme of the wounted benefite of our people, or be usurpation of farder libertie to themselues nor hes bene formerlie granted or tolerated be us or oure prediceesoris to them; with your advice what is lawfull to be required be us for redresse of any of the premisses; and, what yee can instruct ather be publict recordis or be writtis to be searched be the Lordis Lawderdail, Balmirinoch, Laird of Lundy Campbell, Sir David Lindsay of Balcarhous, or any utheris to whose handis writtis of that nature may probablie be cum from their auncestoris, chauncellouris, secretares, clarkes of register, ambassadoris, or counselloris of that estate imployed in matters of that trust, that yee send them also to us with all diligence, but not that yee delay therupon the sending up of the commission, whiche requires gratest haste. So, expecting herin that diligence which your affection to our service, benefite to our people, and duetie to your cuntrie require, wee bid yow hartelie farewell. From Whitehall, the 7th of November 1618."

Whitehall, 7th November 1618.

Original of Royal Letter anent the Earl of Argyle.

48. Original of Royal Letter anent the Earl of Argyle, printed *ante*, p. 468. The lacunæ are filled up thus:—

Line 16. "that yee wold be preciselie carefull to see that important parte of his dewtie." For *deulie* at line 17 read *dewtie*.

Line 4 from foot. For *apperteynis* read *apperteyneth*.

Line 3 from foot. "With a speidie *accompte*."

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49. Commission under the Signet, signed by the Chancellor, Binning, and Sir William Oliphant, to the sheriff of Galloway and his deputes, and Sir Patrik M'Kie of Larg, to apprehend and exhibit Michell M'Conning in Gararie and Johnne Lennox there, suspected of the murder of M'Kye of Glassache. On the back—"Apud Edinburgh xvj Februarij 1619. The Lordis of Secreit Counsaill nominatis and appointis the Justice-Clerk, Advocat, and Justice Depute to examine the personis within complenit upoun. AL. *Cancellarius;* MAR." Edinburgh, 6th February 1619. Commission for the apprehension of Michael M'Conning and John Lennox, suspected of murder.

50. "JAMES R.—Right trusty and welbeloued cosen and counsellour and right trusty and welbeloued counselloris, we greet yow well. Wheras we were pleased, upon suite made unto us by William Craford of Camlarge for licence of transporting a kind of marle or clay from that our kingdome to forraine partes, to referre the consideration thereof unto you, we haue since been informed by our right trustie and welbeloued Johnne, Lord of Kinclevin, how he by his travellis and industrie hath found out diuerse treadesmen here who do undertake to mak within that our kingdom diuers vessellis not heretofore used there of the sayd clay, the making wherof we could wish to be practised within that our kingdome, that our subjectis may be therby imployed and that moneyis be not transported thence for buying suche thingis abroad; and, seing the said Lord is to undergo the first adventer hereof by bringing in of workmen for this effect, our pleasure is that the sayd John, Lord Kinclevin, if you find no inconvenient to arryse therby, haue a grant made to him, his heiris, and assignes, therof, that they may haue the sole lycence for making and selling of the sayd vessellis during such tyme and with such provisiones as you shall think most expedient. So we bid you farewell. Given at our Court at Newmarket, the last day of Februarie 1619." On the back—"In favours L. Kinclaven for priviledge off earthe veschellis making, &c. R. 26 Maij." (*Cf. ante*, pp. 584, 604.) Newmarket, 28th February 1619. Royal Letter suggesting a grant to Lord Kinclevin of the sole privilege of the manufacture and sale of certain kinds of pottery.

51. "Pleis your honourabill Lordschipis.—My hairtlie dewtie alwyse remembirit, pleis yow wit I ressavit your lettre derecit to me and the rest off the justicis off peice for sichting off the wayis from Annend doun uppoun the viij day of Mairch. The quhilk day they could nocht keip; quhairfoir I appointit them the xvj day, and com to the Annand my self for that effect, bot gat nane off them to go with me except Edward Johnstoun off Ryall. Alwyse we sichtit the ground and way, and thinkis it maist fitting that the hie way from the toun off Annend to the Kirk of Gretnay be the ordinarie way for all nolt-dryvaris, mairchandis, and traffikaris, and from the kirk of Gretnay throuche Serk at the fuird besyd Serkbrige to Rolland Mers, and swa to Cairlill, becaus this was the way quhilk was appointit for the Kingis cotchis and cairyadges, and Gretnay kirk was the plaice appointit for the ostis of Scotland and Ingland to meit at the tyme off day mairchis. And for this caus we haiff appoint the constabillis off the parrochinis off Gretnay and Renpaitrik to sie ane gait made from the kirk of Gretnay to the fuird of Serk off xx four futt Cumlongan, 18th March 1619. Letter to the Council from James Murray of Cockpool, concerning roads and their repair about Annan and Gretna.

braid according to the actis of Parliament, and dykit upone aither syd for keiping off the cornis thair, and that they may haiff ane frie way to Rolland Mers, because the way quhilk they usit throuche the landis of Renpaitrik did baith greit trubill to the cornes, and the waltir off Kirttill and the waltir off Serk is sa chyndgit that they ar full off quik sand and everie yeir thair perischis baith som off the Kingis subjectis and off the guidis quhilk is drivine that way. We haiff appointit the constabillis off thir twa pairochinis to give thair asistance to the puire folkis quha occupis the ground quhilk the gait lyis throuch to cast up ane dyk for saiffing off thair cornis; and, giff they be nocht abill to do it, we ar myndfull to find owt som farder menis to help them aither be the cuntrie or be som compositioun off geir. For this was the way quhilk they transportit the cannonis from Cairlill to Lochmaben; quhairfoir we think it to be the maist saiff and ordinarie way. And quhat your Lordschipis thinkis neidffull to be forder don in this ye sall find me willing to serve, and I sall give adverteisment from tyme to tyme to the rest of the justices off peice at your derectioune. Swa fair ye hairtlie weill in the Loird, and restis youris to be commandit with service to his pouer.—James Murray off Cokpuill. At Cumlongen the 18 of Mairche 1619." On the back—"To the richt honnorabill Lordis me Loird Chanclar and the rest off the Lordis off Secreit Counsall derect. R. 23."

Callander, 19th March 1619.

Letter to Chancellor Dunfermline from the Earl of Perth concerning the slaughter of William Buchanan, one of his tenants, and concerning disorder in the Highlands.

52. "My verie honorabill good Lord,—Altho it be unnecessar to truble your Lordschip with this subject, knowing your woorthie dispositioun to justice, yit, in respect of the enormitie and vilenes of the fact, I could no bot at thir gentilmenis desire acquaint your Lordschip thairwith.—Williame Buchanane, ane of my tennentis, being at his pastime, wes rencounterit be some malefactoris, quho, for no occasioun knowne to any, hes given him manie deidlie woundis and slane him, he being of age 70 yeeres or thairby, and wes never knowne to have had quarrell with any. Thir gentillmen his freindis will delate the mater to your Lordschip, if mister beis, att lenth. Aluise it wer good that ane certane and solid ordour wer tane be the Counsall for setling of quyetnes and justice within the Hielandis, quhilkis ar moir liklie to grow worse then to amend. And manie ar waitand and wishing for the occasioun to mak ane brek; which your Lordschip and the Erll of Mar must tak some panes to prevene, or ellis the difficultie wilbe griter heirefter. So, wishing to your Lordschip all prosperitie, I remane your lordschipis most affectionat to serue yow, Perthe.—Callender, the 19 Merch 1619." On the back—"To my verie honorabill good Lord my Lord Erll of Dumfermling, Lord Chancellar of Scotland." With seal. (*Cf. ante*, pp. 550, 552.)

Glasgow, 21st March 1619.

Acquittance by Jean Bogle to the Clerk.

53. Acquittance by Jeane Bogill, daughter of Johnne Bogill, maltman, burgess of Glasgow, in favour of James Prymrois, Clerk of the Privy Council, for the sum of £40, which had been placed in his hands by Johnne Sym, tailor, burgess of Glasgow. (See *ante*, p. 539.) Dated at

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Glasgow, 21st March 1619, and signed before William Neilsone, younger, "visitour of the maltmen in Glasgow," and Johnne Ferriar, maltman, burgess there. James Ramsay, notary public, signs for Jeane Bogill, and Johnne Windy, notary public, writes the deed. On the back—Certificate of registration on 26th March, signed by Mr James Hammiltoun, procurator for the said Jean. (See *ante*, p. 557.) Council for money received.

54. "My veray honorabill guid Lord,—I wrytt to your Lordschippis befoir the estate of this cuntrey, quhow ane small nomber of lymmaris come into itt and herreitt ane puir man, and thaireftir come and bryntt ane gentillmannis bairne to haif haid him self to cume owt thatt thay mycht haif haid his lyf. Gif it mycht haif plesit yowr lordschippis to haif wrytin to the gentillmen in this cuntrey, as I desyritt yowr lordschippis, to haif conwenitt thame selfis and putt owt men to haif keippitt the hedis of this cuntrey, thay haid not interprysit sa barbarowse ane cowrsse as now thay haif done. Within this viij nychtis ane gentillman of the name of Buquanane going owt of his awin howse with fywe dougis only with him to pase his tyme within ane myle and ane half to his awin howse, being thre scoir and twelve yeiris of age, they tooke him and band him to ane tre, and thair thay strewke him with durkis xvij greitt woundis, and cuttit him almaist in twa, that it was ane pytifull case to behald him. Seike ane wyle and barbarowse murther was newer sene committit in this cuntrey to the contemptt of God, his Majestie, and yowr lordschippis; and, gif haste remede be nocht putt thairto, it will owt of all dowt breke this haill cuntrey. Quhairfoir I will intreitt yowr Lordschippis to regaird the gentillman yowr cwsing and my guid nychtbowr the Laird of Boquanane, quha is owt of the cuntray, that his freindis may haif resowne on seike as thay complene on and sall try gilte of this murther and fyre-rasing. In this doing it will incurrage the gentillmen quha hes thair frendis slane and howsis bryntt, and will settill the cuntrey in sume meassur; wtherwayis all will brek lowse and ewerilke ane will taike thair wantage as thay may haif, and se thair tyme. To fasche yowr Lordschippis with farder of this my ewill wrytt I will not; bott the gentillman that is come to yowr Lordschippis will mair partecularlie informe yowr Lordschippis of the sertante. Of all not dowting bott yowr Lordschippis will haif ane cair to sei this odyowyse facte (?) punyshed as itt merytis, and swa, my honorabill dewtey remembreitt to yowr Lordshippis, committis yowr Lordschippis to the protextiowne of the Almighte. I sall rest ewer yowr Lordschipis assuiritt guid freind to be commanditt, E. Glencarne.—Kilmaronoke, the 22 of Merche, 1619." (*Cf. ante*, p. 634.) *Seal affixed.*

Kilmaronock, 22nd March 1619. Further communication to the Council respecting the murder of William Buchanan, and disorder in the Central Highlands.

55. "Right honorable and my verrie good lordis,—I have recaved the 24 of this instant late at night the coppye of ane letter direct frome his Majestie to your Lordshipis and the rest of the Counsell, with another from your Lordshipis self, bothe witnessing his Majesties princely care

Broxmouth, 26th March 1619. Letter to the Council from the Earl of

Roxburgh in excuse for his apparent neglect of his Majesty's order to all Councillors and others in high place to attend the Communion in the fashion prescribed.

and desire that, for the better conciliating of obedience in all his good subjectis to lawes and constitutiones, that those who sitis in place as law giveris should by there particuler obedience give good example unto otheris; and, I having the honour to be one of that nomber of the Counsell, your Lordshipis willis me to be present in due tyme to be prepared to recave the communioun upoun Easterday nixt ensueing in the Highe Kirk of Edinburgh, which is the 28 of this instant, according to the ordour and actes prescrived be the last Generall Assembly. It is not to be doubted bot all good subjectis will, as they should, give obedience to the lawis and ordenances established be the authoretie of so just and grateous ane prince as we have the happines to leve under; and, for my owne part, I wer not worthye of lyffe if I did not willinglie bothe conforme my self and conciliate otheris unto them at my uttermost, as by passed experience and in this present occasioun will sufficiently speek for me. For I have alreddy many tymes recaved in England according to that forme now institut and which we are willed to practise this Easterday. Bot, becaus under no lesse paynes then dampnatioun we are commanded to come well prepared to that holye actioun, and that I dare not say to my self that I am soe or can be soe upon suche ane instant, I hope his Majestie and your Lordschipis will take no exceptioun at my not being present. I might plead some other resones which I will not use, for it is knowne ane good tyme before this advertisment come to me that I had concluded with Doctor Arnote to be withe me this week. Bot seeknes can not be my stay if strenth will carrey me frome one place to another to witnesse my obedience. Bot this necessitie in so short ane tyme can not be gone by. Sua, praying God for happines to all your good Lordshipis, I take my leve, resting youris Lordshipis reddye freend to doe your seruice, ROXBURGH.—Frome Broxmouthe, the 26 of Merche." On the back—"To the Right Honorable the Earle of Dumfermelyne, Lord Chanceller of Scotland." Also, "1619. E. Roxburgh. 26 Marche. Excuse for communion." Roxburgh's seal affixed.

Callendar, 27th March 1619.

Similar letter of excuse from the Earl of Linlithgow.

56. "My werrie honorable goode Lordis,—I receavit your Lordshipis lettre, with ane coppie of his Majesteis lettre direct to your Lordship, for conciliatting obedience to his Majesteis lawes and constitutiones, that theas of Cownsall and Sessiowne sould be there particlare obedience geve guid example to wtheris att this tyme of Pace in receaving the commwniowne with all dew reverence according to the ordour and actes of the last Generall Assemblie. Wherunto, God knawis, I wald not be refractarie more att thes tyme nor I have bene att any tyme heirtofoire [in ?] geving dew obedience in anything wes fortherance to his Majesteis service and weill of the Kirk. Bot, as it is knawin to the haill countrey and my pastore heir that thir sax monthe bypast I have nocht bene able to travell not to my awin kirk, beyng within half ane myle, where my remanyng hes bene all the tyme, so thatt I mone of necessitie offer my excuse in cumyng to Edinburgh, quhilk salbe knawin to be no pretendit

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nor wilfull absentting my selfe from suche ane worke. Bot, if I should be caryed into ane litter to my awin kirk, I salbe there, and go one according to the prescryvit ordinance and give the best example to the people that I can. Thus, houping your Lordship will except this my ressonable excuse in gude pairte, I commit your Lordshipis hairtlie to Godis protectiowne, and remaynes ewir your Lordshipis werie affectionat to serue yow, Linlythgow.—Callendar, 27 Marche 1619." On the back —"To the right honorable my werie good Lordes the Earlle of Dumfermeling, Chanceller, and to the rest of the Lordis of his Majesteis Privie Cownsall, These." Also, "1619. E. Linlithquhow. 27 Marche. Anent communion. R. 27." Seal affixed.

57. Commission under the Signet signed by James Prymrois is given to King's messengers to charge Johnne Flemyng in Gartcounall, Johne Mure, his servitor, James Fischer, younger, notary in Glasgow, Robert Brok, messenger, Johnne Logane in Fergustoun, to appear on 3d June next to answer the following complaint of Johnne Mallynnie in Gartconnall, and Katherine Mallynnie, his sister.—On 27th April last the said persons went by way of hamesuckin to pursuers' dwelling house in Gartconnell, and, the said John Mure having persuaded the said Johnne to come furth on the plea that his master wished to speak to him, assaulted him and struck his sister on the head with the guards of their swords. Thereafter they "tooke the said Johnne Mallynnie be the hair of the heid, harld and drew him throw the yairdis and landis of Gartconnell, and careyed him bairheidit" to the city of Glasgow, "as gif he had bene a commoun theif." *On the back*—Certificates of service (1) on Johne Fleming, John Mure, James Fischer, younger, Robert Brok, and Johnne Logane—M^r William Carslaw, minister at Stewartoune, Williame Logane, son of Johne Logane of Balbey, Johnne Douglas, son of Malcolme Douglas of Fergustoune, and William Colquhoune in Garskub, witnesses; and (2) on Robert Miller in Garskub, Bartilmo Miller there, Robert Fynnie there, Robert Duglas in Fergustoune, Johne Blair in Killermont, and Johne Miller in Colsburne, as witnesses in the said case,—M^r William Carslaw, minister of Stewartoun, William Logan, son of Johnne Logan of Balbey, William Symerell in Garskub, witnesses of the execution of the commission. Both written and signed by William Johne, messenger.

Edinburgh, 1st May 1619. Commission to charge John Fleming and others to appear and answer for assault.

58. "James R.—Righte trustie and righte welbeloued cosens and counselloris and trustie and welbeloued counselloris, wee greete yow well. Whereas wee haue euer had a prouident care to haue the quietnes of that our kingdome continued, as wee haue oftentimes giuen you proofe as well by our directionis to you all in generall as sometimes to a fewer nomber of you, but moste speciallie by our owne particulare paines taken to see unnecessarie and unfitte questionis betwixte parties who craue to liue under our obedience as dewtifull subjectes remoued. And amongst others

Theobalds, 6th May 1619. Royal Letter requiring the Council to take steps for giving effect to his Majesty's arrangements for ending the differences between the Earl of Rox-

burgh and Francis Stewart, son of the late Earl of Bothwell.

wee have had a speciall desire that all questiones and heartburninges betwixte the Earle of Roxbrough and Frances Stewarte, sone of the sometime Earle Bothuell, shoulde be amicablie composed; whereunto wee haue ever founde the said Earle moste willing and readie for obedience to us. Whereupon at our last being in that our kingdome wee caused our cosen the Duke of Lenox take a dealing in that mater and shew our earnest desire to have it composed, as he had divers times before as well by worde of mouthe as by his letteris signified both to the said Frances and his frendes. Yet, nothing hauing hetherto by the wilfulnes of the said Frances bene performed for decision of the question, wee haue thoughte good by these presentes to require you to call the said Frances befoir you, and to require him that all materis in anie wise questionable betwixt the said Earle and him may be composed and taken away in suche maner as at our last being in that our kingdome wee signified to the Duke of Lennox. But, if yee shall finde him obstinate so as he wille not upon anie good consideration come into termes of agreement and submission, it is our pleasour that yee advertise vs of his answere, to the entent that wee may take such furder cours in the mater as wee may be freed frome all furder trouble thereof to be moued by him hereafter. And, not doubting of your best endevoris herein, wee bid you farewell. Given at our mannour of Theobaldes, the sixte day of Maie 1619."

Tredagh, 24th May 1619. Letter to Chancellor Dunfermline from the Archbishop of Armagh concerning a Frenchwoman forsaken in Ireland by her husband, John Hamilton.

59. "Most noble Lord.—The disconsolate estate of a Frenche woman, bearer hereof, forsaken by her husband Johne Hammiltoun, who left her in these parts, as she sayes, gives me occasion to call upon your Lordship also to commiserate this poore distressed straunger, for so she is to me too, that by your Lordshipis authoritie she may regaigne her said husband and that meanes which he had to susteine them both. And so, craving pardon for my boldnes, I desire to be remembred in your prayers, to be continewed in your loue, and to liue no longer then I remaine your Lordships most affectionate to do you service—ARMAGHE. Tredagh, 24 May 1619." *On the back*—"To the right honorable and my verie good Lord, Alexander, Earle of Dunfermeline, Lord Chancellor of Scotland" Archiepiscopal seal affixed.

Glasgow, 11th June 1619. Letter to Chancellor Dunfermline from the Archbishop of Glasgow, concerning the same case, and giving further particulars of the case.

60. "Richt noble and my most honorabill guid Lord,—Johnne Hamiltoun, sone naturall to Allane Hamiltoun of Ferguslie, being mareit in France with ane Frensche woman and menteanit be hir sum yeiris bygane in Burdeaux lyk ane gentelman, hath this yeir entysed and persuadet hir to cum with him to Scotland; and, as they cam togidder by Irland, within few dayis eftir thair arryvell thair he did foirsaik hir uterlie, and mariet him selff privilie to ane Scottis woman, dochter to umquhile Hercules Stewart. And, quhan he did convoy himself and his new unlauchfull bryd furthe of Irland to this cuntrie, he brocht with him grit soumis of money, with tua grit coffirris, full of silkis, sattune, and veluette, quhilk all he ressauit of the said Freusche woman, his lauchfull wyff, quhome he

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left in that strange cuntrie desolat and destitute of all meanis and confort, except such as scho ressavit be the liberalitie and cheritie of sum Scottisch and Englisch thair. Scho is now cum to Glasgow; and, quhen I was informit be hir that the coffirris war brocht unto Paislay, I writ in hir fauouris, and eftir sum searche and tryell they ar fund in the hous of the said Allane Hamiltoun, his father, quhair, as I directit, thair lokis ar seallit with wax, to be keipit untill sum ordour may be takin baithe for punisching of him quho hes done so vickedlie and for restoiring of hir to that quhilk he hathe maist dissaitfullie stollin from hir. Scho restis yit for all this in grit fear that the said coffirris or the money and stuffis within thame salbe takin away be himselff, his father, or freindis, and that scho sall find no remeidie for the grit wrangis done unto hir. I thocht it guid, thairfoir, to gif your Lordship nottis of thais thingis, and earnestlie to requeist your Lordship in faworis of the puir miserable stranger, that sum ordour may be takin at leist how scho may be restoirit to the soumis of money and guidis quhich he hethe in this maner stollin from hir; and, becaus he hathe committit thir grit sinnis, and thairby done grit discredit to all our natioun, that he may be apprehendit, tryet, and punischit for the samen. He will, as appeiris, now seik be all meanis to escape, and the puir woman hathe no meanis heir to leiff be bot such as is bestowit upoun hir of pietie. In regaird quhairof I will beseik your Lordship againe to haistin your directiounis, quhilk salbe obeyit so far as I may or sould. And I am suir my Lord and Ladie Abircornne wil sie your Lordshipis wil done, sua soone as they sall knaw of it and ressave your Lordshipis warrand. Referring all eftir this informatioun to your Lordshipis awin w[orship], and commending your Lordship to the favour and blissing of God, I rest your Lordshipis assuired in all dewtie to honour and serue yow—Ja: Glasgow.—Glasgow, this xj of Junij, 1619." *On the back*—"To the richt noble and his moist honorabill guid Lord, my Lord Earle of Dumfermeling, Chancellar of Scotland, These." *Also*, "Lord Archiebishioppe off Glasgow concerning Jhone Hamiltoun and his twa wyvis, &c." Seal affixed.

Greenwich, 12th June 1619. Mr. Peter Hewit and Mr. John Hall.

61. Royal letter anent Mr Peter Hewitt and Mr Johnne Hall, printed *ante*, p. 596.

Paisley, 13th June 1619. Letter to Chancellor Dunfermline from the minister of Paisley concerning the Frenchwoman deserted by her Scottish husband, John Hamilton, and then in great

62. "My very honorablle guid Lord,—This distressed Frenche wooman, michtely wrounged, as appeiris, be one Jhon Hammyltoun, hir hisband, quho now hes most unhonestly forsaikin hir and takin ane uther to wyff, wes laitly recommendit to our toun, as by dyvers utheris, so in speciall by my Lord off Glascow; quho, having hard off hir that sum of hir awin cofferis wer left be the said Jhon in Payslay, at his last depairtour from us towardis Edinburgh willit me to caus serche them in the toun quhair they micht be fund, and, finding, to stamp and seall them with wax upon the lockis quhill farder ordour wes takin for his punischment efter tryall and hir resolutioun. I haue fund

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distress in Paisley.

the cofferis, and hes sealled them ; bot this is a small confort to this poore wooman. Yit could no farder for the present be done without a warran and commissioun from your Lordship and the Counsall. Iff your Lordship could be pleised to send the warran and commissioun to transport them quhence they ar to sum uther place quhair they micht be in sum mair saiff and suir custodie to be furthcumming for the confort off thes to quhom it sall be tryed they belong, this wald be grit confort to this distressed stranger. For the present to hir they seim to be very unsuir, so long as they remane in his grandfatheris house, out off the quhilk they may be transportit at his pleasour, and so the bearer left destituit with less hoip off confort than as yit. Hir estait is muche pitied and regraitid be mony. I am sorie that ony off our country, lett be off his name, sould evir haue provin so unthankfull, ungodly, unhonest, and villanous, as is alledged and as it wald appeir. For he him selff com laitly to this toun, bot, heiring off hir, stayit not aboue ane hour, nor com not in publik. Thus, not darring refuse upon hir earnist intreatie, I recommending hir afflicted estait to your Lordship, quhois praise in God hes evir bein to do justice and help them that ar in miserie, remembering my dewtyfull service, I take my leiff, remaining your Lordshipis honourablle and loving servitor to death, W. Hammiltoun.—From Paysley, the 13 off Junij." *On the back*—"To the richt noblle and my most honorablle guid Lord, my Lord Erll off Dumfermling, Chancellor off Scotland." Minister's seal affixed.

Edinburgh, 16th June 1619.

Chancellor Dunfermline's warrant to the burgh for the arrest of John Hamilton and Margaret Stewart.

63. "Baillies of Edinburgh, yow sall, upoun the sight heirof, searche and seik Johnne Hamiltoun, sone to Allane Hamiltoun of Ferguslie, and Margaret Steuart, his alledgeit spous, quhairevir you may apprehend thame within your burgh, and committ thame to warde in your Tolbuithe, quhill yow understand furder of the Counsaillis pleasour towardis thame. Quhairanent thir presentis salbe your wairand. At Edinburgh, the xvj day of Junij 1619. Al: *Cancellarius.*"

Edinburgh, 17th June 1619.

Inventory of the goods found in the cloak-bag of the said Margaret Stewart.

64. "At Edinburgh the xvij of Junij 1619. In presence of George Foullis, baillie of Edinburgh.—Ane inventair of the goodis being in the cloikbag produceit be Margaret Steuart, spous to Johnne Hamiltoun:—In the first, three elnis of crimosine veluott. Three elnis and ane quarter of grey changeing cullourit camlet. Tua elnis of orange course Indiane satine. Ane elne and three quarteris of quhyte course satine. Three quarteris of rid damask. With some sarkis and linning cloathis pertening to the said Margaret. Geo: Foulis, baillie."

Edinburgh, 17th June 1619.

Deposition of the said Margaret Stewart as to the circum-

65. "At Edinburgh, the xvij day of Junij 1619. Margaret Steuart, doghter to umquhile Hercules Steuart, and spous to Johnne Hammiltoun, sone to Allane Hammiltoun of Ferguslie, sworne, declairis upon hir grite oathe that she sall tell the treuthe in euery thing that salbe demandit of hir. Demandit quhen sho come to this toun, deponis that it is ane

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moneth sen sho come to this toun, and that hir said husband come with hir. Demandit yf sho be maryed, deponis sho wes maryed upoun the tent of May last at Bangwall in Irland be Mr Johnne Gibsoun, minister, and sayis, upoun hir oathe, that sho knew not that he wes maryed befoir. Demandit quhair hir husband is, deponis that he raid yesterday to Paislay to tak ordour, as he tauld hir, with the woman that pretendis to be his wyffe; and sho sayis that all his cofferis ar in Paislay, and that sho hes ane testimoniall of hir mariag in this toun. Al: *Cancellarius.*" *The sequel will be found in the next volume.*

circumstances of her marriage in Ireland with John Hamilton.

Undated.

66. "Right noble my verie honorable good Lords,—The stouth, fyir, and horrible murthoris raised and committed laitlie within the parochines of Balfron and Drimmen heth moved me to wreat of the same to your Lordshipis with Mr Robert Muir and Mr Louk Stirling, ministeris at the saidis kirkis, who by them selfis and by letteris from the Earle of Glencairne (*ante*, p. 635) and the Laird of Drummikill haue informed me, and ar cum purposlie to informe your Lordshipis also trewlie and particularlie, of these great crymes, if your Lordshipis will be pleased to heir them. The peace and quietnes of these pairtis is so trubled now, especiallie be the fyir and murthoris, that no honest nor good subject ther can be assured of ther lyfes and goodis, nor darr not resort to ther paroch kirkes for the seruice of God without daunger, nor the ministeris preach unto them without feir of great truble and bluidsched. Bot, referring the particular informationis to the ministeris and these who will compleane, and assureing my self that your Lordshipis will tak sufficient ordour both for the trying and punisching of the malefactores, and also for the preventing of great confusioun and mischeif, whilk will not faill to fall upon ther impunitie, I commend all your Lordshipis to the favour and blissings of God, and restis—Your Lordshipis assured in all dewtie to honour and serve yow.—Ja: Glasgow." *On the back*—"To the ryght noble his verie honnorable good Lordis, the Lordis of his Majesteis most Honorable Priuie Counsell." Also, "McFarlane Drummakill vm merkis, with Gartavartane iijm merkis, jm merkis." [*Cf. ante*, pp. 550, 552, 634, 635.]

Probably about 20th March 1619. Letter to the Council from the Archbishop of Glasgow concerning recent murders and misrule in the parishes of Balfron and Drimmen.

67. "To his Sacred Majestie. The humble petition of Sir Johnne Campbell, in the name of the remanent cautioneris and creditoris for the Erll of Argyll.—Humblie shewing that, your Majestie haveing granted the petition of the said cautioneris requiring that no new infeftment of Kyntyre might be past till they wer releived of there debt, the Erll of Argyll, as they ar informed, goeth about to perswad your Majestie that the said petition wes onlie gevine in by Archibald Campbell for his owne releif, without the consent of the rest. He therfore most humblie

1617 (?). Petition to the King by Sir John Campbell and the other cautioners for the Earl of Argyll, in the matter of the infeftment of Kintyre.

beseecheth your Majesty to be gratiouslie pleased to geue no contramand of your first commandement, but to suffer your Counsell of Scotland to heir the saids cautioners and creditoris, and therefter to doe as they shall think most agreable to equitie and conscience." (*See ante*, p. 164, footnote.)

1618 (?). List of persons chargeable with illegal use of hagbuts and pistollets in and about Ettrick Forest.

68. "Thes personis are said to be showtteris with hagbuttis and bearer[is] of pistollis,—Francis Shot [Scot] of Harden, sone to the Goudman of Harden, William Ellot ther, James Scot, callit of Newwarke, Willeam Scott, callit of Bowehill, Andro Shot [Scot], his sone. The most pairt of the name of Scot within the schiriffedome of the Forrest is reportit to be frequent useris off both hagbuttis and pistillittis. The most expedient to wittnes the same ar those,—Walter Scot off Harden, Andro Kar, Willeam Ellit, Willeam Michillhill, beallays in Selkirk, James Michillhill, bowrges ther, M^r^ Johne Kar, toune clairke, James Murray messinger, Johnne Murray, his brother, Johnne Patersone, messinger, Robert Scot, notare, and, seing the same is frequentlie usit at fairis, marcattis, and kirkis, the ministeris of the parichon. Thair names are those,—M^r^ Patrick Schaw, minister of Selkirk, M^r^ Thomas Wilkie, reader ther, M^r^ Robert Martin, minister of the kirk of Attrick, M^r^ James Scot, minister at Saint Marie kirk in Yarawe." (*Cf. ante*, pp. 98, 452, &c.)

ADDENDA.

The following, which occur considerably astray from their proper dates in the Book of Commissions, have to be inserted here :—

Commissions. Fol. 95, b. 3rd June 1619.

Commission under the Signet to Sir Dowgall Campbell of Auchinbrek, Campbell of Ardkinglas, and Campbell of Lochinyell, to apprehend and present to the Council Donald M^{c}Eane of Ormessag, Johnne, Angus, Allester and Donald M^{c}Eane, his sons, Allester M^{c}Angus V^{c}Eane in Girgadill, Donald M^{c}Angus V^{c}Eane in Ardstiginshe, Allester M^{c}Ronald V^{c}Eane in Tamisingill, Allester M^{c}Ean Voir V^{c}Ean in Glendreane, Johnne M^{c}Allester V^{c}Illespick, Johnne M^{c}Coull V^{c}Vicker, Johnne M^{c}Coneill Voir V^{c}Fynvyne, Donald M^{c}Neill V^{c}Coneill Yir in Glenbeg, Angus M^{c}Coneill V^{c}Angus in Achnaha, Angus M^{c}Coneill Og there, Donald Glas M^{c}Ean V^{c}Ean in Fastridill, Donald Roy M^{c}Angus in Swordill, Rorie M^{c}Ilmichell there, Allan M^{c}Allan V^{c}Phersone in Okill, Ewne M^{c}Clauchlane V^{c}Coul Yir in Glenbeg, Johnne M^{c}Coneill V^{c}Ean Roy in Glenbriche, Donald M^{c}Ewne V^{c}Allester in Ranachane, Donald Roy M^{c}Malmorie in Ardnastaynk, Rorie M^{c}Allan V^{c}Coneill in Aincahelt, Donald M^{c}Gilliemarten Roy M^{c}Tannachan, Ewne M^{c}Finla V^{c}Gillevir in Kilchoane, Johnne M^{c}Ewne V^{c}Illiver, and Donald M^{c}Angus Willicht, who on 21st April last were denounced rebels at the instance of M^{r} Donald Campbell of Barbrek, for himself and as master, Dowgall M^{c}Thannainche, Nicoll M^{c}Calmany, and Ewir M^{c}Phaill, his servants, Fruzwall M^{c}Phaill and Duncane M^{c}Eane V^{c}Coneill her spouse, and Sir William Oliphant of Newtoun, King's Advocate, for their not having found caution to underlie the law on 21st June instant for "convocating of our lieges in armes, bering and wering "of hacquebutis and pistolettis, taking and apprehending of the said "Dowgall, forceablie expelling the said M^{r} Donald oute of his landis and "possessiouns, besedging of his house of Meagarie, and taking of the said "Ewir M^{c}Phaill and keeping of him kaptive with thame, and taking also "of the said Fruzwall and keeping hir and hir servandis as prisoneris "with thame," and certain other crimes. Subscribed by the Chancellor, Wintoun, Melros, Lawderdaill, M^{r} W^{m} Oliphant, Sir Ro^{t} Melwill, A. Hay, P. Rollok.

Holyroodhouse, 3rd June 1619. Commission to Campbell of Auchinbreck and others for the apprehension of Donald M^{c}Eane and a number of other Highlanders for violence.

Fol. 91, b. 30th June 1619.

Signature for a letter under the Privy Seal whereby the King, with consent of John, Archbishop of S^{t} Andrews, and of the remanent lords his Majesty's commissioners for doing his affairs in Scotland, grants licence to "Gilbert Dick, librarie and burges of Edinburgh," to the following effect:—"By ane act of the General Assemblie of the Churche keipit at "Abirdene the day of August j^{m} vj^{c} and sextene yeiris, it wes concludit

Renewal of licence to Gilbert Dick, bookseller, to print and sell the Catechisms passed by order of the General

Assembly of 1616 at Aberdeen, with extension of the licence so as to include the Book of Common Prayer ordered by that Assembly.

Commissions. Fol. 91, b. 30th June 1619.

" by the Archbischoppis, bischoppis and vtheris, Commissionaris of the " Ministrie within the said kingdome, that ane booke of Commoun Prayer, " with tua Catechismes, ane greitter and ane vther smaller, should be " formed and put in ordour by certane commissionaris appoynted for that " effect, to be red, taucht, and vsed within all the churches and schoolis of " the said kingdome." Which two catechisms being " formed conforme to the said act," the King, by letters under the Privy Seal dated 10th February 1618, granted licence to the said Gilbert, or any other printers in his name, to print them, and sell them at his pleasure; all others being prohibited from so doing under the penalty of £100 Scots for each offence. " As yit the said gift hes takin litill or no effect, to the grit hurt and preiudice of the said Gilbert Dick." Therefore the King renews the said licence to him " to imprint and cause imprint alsweill the said booke of Commoun Prayeris as the two foirsaidis catechismeis " and to him and his heirs and assignees to sell the same, " to the effect his Hienes leigeis may be sufficientlie furnischit with bookis of that nature." The privilege is granted for the space of nineteen years. Given at Grenewitche 30 June 1619. Superscribed by the King.

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